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THE GREAT DEBATE
BETWEEN HAYNE AND WEBSTER

THE SPEECH

BY

ROBERT YOUNG HAYNE

EDITED BY

LINDSAY SWIFT

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[No. 122 of the *Riverside Literature Series* contains Mr. Webster's Speech in Reply to Mr. Hayne, together with a sketch of Mr. Webster, a fac-simile of a page of his manuscript, and the stenographic report of the corresponding portion of the speech as actually delivered.]

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WEBSTER REPLYING TO HAYNE, IN THE SENATE
(Painted by F. C. V. A. 1851)



TE OF THE UNITED STATES, JANUARY 26, 1831.

(*Printed by Alexander Haug.*)

THE GREAT DEBATE.

THE OCCASION AND THE EVENT.

ALTHOUGH neither of the speeches in the Great Debate dwelt at any length on the topic which called them forth, it is desirable to understand something of the causes and occasion of such an event, possibly the most remarkable episode which has happened in the national Congress. During the first session of the Twenty-first Congress, and on December 29, 1829, Samuel A. Foote of Connecticut moved in the Senate the following resolution:—

“Resolved, That the Committee on Public Lands be instructed to inquire and report the quantity of public lands remaining unsold within each State and Territory, and whether it be expedient to limit for a certain period the sales of the public lands to such lands only as have heretofore been offered for sale, and are now subject to entry at the *minimum* price. And, also, whether the office of surveyor-general, and some of the land offices, may not be abolished without detriment to the public interest.”

It is important to notice that Mr. Foote acted on his own responsibility in offering this resolution; that it was moved with a view to inquiry only; and that a personal examination of a late report of the Commissioner of the Land Office revealed that, while the annual demand for public land would not probably exceed a million acres, the quantity remaining unsold at the minimum price was more than seventy-two million acres.

Harmless as the resolution probably was, it roused opposition from the West and South. Mr. Benton of Missouri thought that it implied an intention to harm the new West-

ern States, while Mr. Holmes of Maine supported it as an important measure. After Mr. Foote had asserted that he held no purposes unfriendly to the Western States, there was a postponement of consideration until January 11, 1830. In the present instance the customary procrastination on the part of Congress resulted in a real and lasting benefit to the country. When the consideration was again taken up on January 13, it was opposed by several Western Senators, but on the 18th Mr. Benton spoke at length in opposition; on the next day Mr. Holmes rejoined and was followed by other members. At this point Mr. Hayne entered the debate and spoke for the remainder of the day, and in the audience of Mr. Webster, who had come into the Senate from an adjournment of the Supreme Court, where he was then engaged on the important case of *Carver v. Jackson ex dem. Astor*. The tone of Mr. Hayne's remarks was such that at an intimation from some of his friends as to the necessity of an answer by a Northern man, Mr. Webster, absorbed as he was with an important legal case, rose to reply, but made room for a motion to adjourn. On the next day, the 20th, the resolution under debate was altered, as suggested by Senators Sprague of Maine and Woodbury of New Hampshire, by the addition of the following clause: "Or whether it be expedient to adopt measures to hasten the sales and extend more rapidly the surveys of the public lands." In regard to this matter of the public lands, brief explanations will be made in the form of notes to the text of the two speeches.

After this modification of the original resolution Mr. Webster took up the debate, and defended the course of the government in its management of the public lands; he denied that any hostility had been shown the West; in particular he sought to show that New England had been free from an adverse spirit. It was then that he so warily revived the memory of Nathan Dane as the author of the Ordinance of 1787, by which was organized the govern-

ment of the Northwest Territory. As he had done before and as he was often to do again in his political career, Mr. Webster felt called upon to defend the consistency of his own course. Though his second speech has wellnigh caused his first on Foote's resolution to become faint in the popular memory, one passage is worthy of the great orator at his best. — his contrast between the Ohio of 1794 and that of 1830. Mr. Benton followed him on that day. On the 21st, Mr. Hayne began his second and famous speech, not, however, before he had expressed an unwillingness to postpone the discussion, at the request of Mr. Chambers of Maryland, to allow Mr. Webster to be present. In reply to this somewhat unusual refusal on the part of his opponent, Mr. Webster said: "Let the discussion proceed; I am ready now to receive the gentleman's fire." After Mr. Benton had ended his speech which he had begun the day before, Mr. Bell of New Hampshire moved a postponement until the 25th, but the motion was lost. When Mr. Hayne had spoken for about an hour, the Senate did adjourn until the 25th, which fell on Monday, and on that day he finished his argument in about two hours and a half. A motion to adjourn, to which Mr. Webster yielded, prevented the opening of his reply, with which he was then ready. On January 26 Mr. Webster began his speech and spoke for three hours, when the Senate adjourned. On the following day he finished. Thereupon Mr. Hayne, acting with wisdom, decided to say what he had to say at once, and spoke for half an hour entirely on constitutional points. To this Mr. Webster rejoined with a close and precise summary of his own line of reasoning. It is pleasantly remembered that on the evening of this eventful day the combatants met courteously at one of the President's levees in the White House, and exchanged the greetings of gentlemen.

On May 21, 1830, Foote's resolution, after much discussion, from which the life had mainly departed, was indefi-

nately postponed. Before the topic was dismissed, however, it had been discussed by many of the strongest men of the Senate; and the arguments, some of them very able, ranged from the temperate considerations of Sprague of Maine to the splenetic utterances of Barton of Missouri, the residuary legatee of John Randolph's invective.

One element of greatness in these speeches of Hayne and Webster is the extreme simplicity of each. They could hardly have won the place which they hold in the minds of all Americans had they been complex, or in any wise unintelligible. Both orators rose so high above the level of every-day politics that they saw and considered only the larger historical landmarks. In one especial point, however, the orations differ widely. Hayne, in both his first and second effort, introduced far more of the personal note. At the time, it was thought that his remarks were offensive, and were deliberately meant to be so, to his opponent. Time has softened the impression, though his words remain unchanged. If the charge is true, it is also in a measure easy of explanation. If offense was given, it was bold and direct, and not insinuating and allusive. Mr. Hayne aimed at a section of the country which he thought was intentionally hostile to the South and its adopted ally the West, and he struck at New England through the personality of Mr. Webster, who was, even then, as some one has said, almost an institution by himself. Mr. Webster was a lawyer as well as a statesman: and his practiced skill taught him not only to turn the edge of his enemy's weapon, as he did in the use which he made of Hayne's allusion to Banquo's ghost, but also artfully to lift the whole discussion to serenest heights. Webster seems never to have indulged in flattery toward an opponent, but, largely through the greatness of his nature, which had in it something of the indolent, he was disposed to be tolerant, as he certainly was in the present instance. One sees, therefore, nothing of that terrible potency for denunciation in which he occasionally

indulged, as in his defense of the Ashburton Treaty, and in his reply to Ingersoll of Pennsylvania (1846). In another important attribute also the two men differed. Mr. Webster was so fortunate as to possess a full and refreshing sense of humor. The tense and more nervously wrought Southerner lacked that powerful aid to the comprehensive intellect.

At the outset Mr. Hayne advances to attack the attitude of New England toward the West; belittles the renown of Nathan Dane; and then challenges the consistency of Webster in the latter's course on public lands. He accuses the East of a mercenary standard, and rehearses the change of sentiment toward internal improvements and Western interests. He then charges Webster with unfairly contrasting the conditions of the slaveholding and the free States, expounds the Southern attitude regarding slavery, and makes a comparison between it and the poverty of the North. He shows the profits derived by the whole country from slave labor, and assails the spirit of false philanthropy which seeks to disturb an existing security, and explains the quality of the spirit of freedom at the South. He traces the differing theories in regard to a federal or a national union, and repudiates the consolidation of government. Sharply turning from this point, he questions Mr. Webster's change of attitude on the tariff. Perhaps in no part of his speech is Mr. Hayne more telling. Then follows his eloquent laudation of South Carolina, and of her devotion during the Revolution and the War of 1812. At this juncture he enters upon a prolonged criticism of the course of New England, and particularly of Massachusetts, during the events preceding and during the latter war. He cites speeches and sermons to substantiate his arguments, and closes this portion with a severe arraignment of the Hartford Convention, accusing it of treasonable projects. Incidentally he praises the democracy of New England for its patriotism. From this point to the end he traces the South Carolina doctrine of "constitutional remedy" from the Vir-

ginia and Kentucky Resolutions and Madison's Report, introducing the authority of Jefferson to support his views. His conclusion is that the federal government is not the exclusive judge of the extent of its powers.

Mr. Webster in beginning his reply calls for a reading of the resolution; denies in an easy manner that he has been irritated by his opponent's thrusts, or that he first sought the contest. He then takes up the charge of coalition, in which he lightly turns the quotation from Macbeth regarding Banquo's ghost back upon Mr. Hayne. This is followed by his tribute to Nathan Dane, and by a denial that he, Mr. Webster, intended to attack the institution of slavery, though regarding it as "one of the greatest evils," referring, the while, to early legislation on this matter. He reverts to the Ordinance of 1787 and its exclusion of slavery from the Northwest Territory: then defends his own consistency and that of New England in regard to the public lands, and discusses at some length the policy of internal improvements and of national development, and shows that New England has supported measures favorable to the West. His own course in regard to the various tariffs next receives attention, but a willingness to drop this matter is plainly shown. As to charges against New England, he seeks to prove that such attitude as was open to criticism there, as well as elsewhere, was partisan rather than sectional. He denies the charge that he has attacked South Carolina, and proceeds to eulogize the memory of distinguished sons of that State. This portion of his speech is rounded out with the famous apostrophe to Massachusetts. From this point to the end he proclaims his defense of the Constitution, and traces the origin of our government and the source of its power, and contrasts the opposition in New England before and during the War of 1812 with the present attitude of South Carolina. He differentiates the power of the States and that of the Union; denies the competency of the States to decide the validity

of laws: portrays an hypothetical case of resistance by South Carolina, and its *modus operandi*. Then he exhibits the legitimate remedies for imperfections in the Constitution, but denies all right to nullify its provisions. In conclusion follow his exhortation for the preservation of the Union and the closing adjuration for Liberty *and* Union.

In this speech he carried out a threefold purpose: first, in a dignified and yet good-humored way, to turn aside Mr. Hayne's personalities from himself; second, to introduce a more serious note into his defense of the East; and, third, advancing to his highest position, to proclaim, as he had never done before, his full creed as to the powers of the Constitution. There are various legends in regard to the anxiety felt by his friends lest he did not fully realize the gravity of the task before him, knowing that it devolved upon him, with only slight preparation, to sustain an attack, carefully preconcerted, of which the gallant and impetuous Hayne represented only the vanguard. His preparation certainly was slight and the time short, but Mr. Webster, like most great men, was able to compensate for long inaction by incredible swiftness at a push. Even then he could not have compassed his purpose had not this tremendous effort been the successful birth of ideas which had long been gestating in his fertile and comprehensive intellect.

Mr. Hayne, on the other hand, seems to have relied on a few lines of thought, derived mainly from Burke's speeches, Mathew Carey's political writings, the reputed doings of the Hartford Convention, the familiar text of the Virginia and Kentucky Resolutions, and Mr. Jefferson's and Mr. Madison's views on the Constitution. The chief merit of Hayne's speech lies, then, in the great spirit, courage, and conviction of its author. There can be no fair contrast between these two speeches: it was a contest between a very able man and a preëminently great one.

The debate was held in the old senate chamber, afterward used by the Supreme Court. The memorable event

was made the subject of an historical painting, of heroic size, by Mr. George P. A. Healy, which now hangs in Faneuil Hall in Boston. Over one hundred faces are accurately represented in this impressive work.

In regard to the scene and the occasion much has been written, including several contemporary accounts, but the vivacious description by Charles W. March, in his "*Daniel Webster and his Contemporaries*," has come to be regarded as embodying, on the whole, the most graphic pen-picture extant. Certain portions of this description here follow, but it should be read in its entirety in Mr. March's volume.

"Those who had doubted Mr. Webster's ability to cope with and overcome his opponents were fully satisfied of their error before he had proceeded far in his speech. Their fears soon took another direction. When they heard his sentences of powerful thought, towering in accumulative grandeur one above the other, as if the orator strove, Titan-like, to reach the very heavens themselves, they were giddy with an apprehension that he would break down in his flight. They dared not believe that genius, learning, any intellectual endowment however uncommon, that was simply mortal, could sustain itself long in a career seemingly so perilous. They feared an Icarian fall.

"Ah! who can ever forget, that was present to hear, the tremendous, the awful burst of eloquence with which the orator spoke of the Old Bay State! or the tones of deep pathos in which the words were pronounced!

"What New England heart was there but throbbed with vehement, tumultuous, irrepressible emotion as he dwelt upon New England sufferings, New England struggles, and New England triumphs during the War of the Revolution? There was scarcely a dry eye in the Senate: all hearts were overcome; grave judges and men grown old in dignified life turned aside their heads to conceal the evidences of their emotion.

"In one corner of the gallery was clustered a group of

Massachusetts men. They had hung from the first moment upon the words of the speaker, with feelings variously but always warmly excited, deepening in intensity as he proceeded. At first, while the orator was going through his exordium, they held their breath and hid their faces, mindful of the savage attack upon him and New England, and the fearful odds against him, her champion; as he went deeper into his speech they felt easier; when he turned Hayne's flank on Banquo's ghost, they breathed freer and deeper. But now, as he alluded to Massachusetts, their feelings were strained to the highest tension; and when the orator, concluding his encomium upon the land of their birth, turned, intentionally or otherwise, his burning eye full upon them, they shed tears like girls!

"No one who was not present can understand the excitement of the scene. No one, who was, can give an adequate description of it. No word-painting can convey the deep, intense enthusiasm, the reverential attention, of that vast assembly, nor limner transfer to canvas their earnest, eager, awe-struck countenances. Though language were as subtile and flexible as thought, it still would be impossible to represent the full idea of the scene. There is something intangible in an emotion which cannot be transferred. The nicer shades of feeling elude pursuit. Every description, therefore, of the occasion seems to the narrator himself most tame, spiritless, unjust.

"Much of the instantaneous effect of the speech arose, of course, from the orator's delivery, — the tones of his voice, his countenance and manner.¹ These die mostly

¹ "The personal appearance of Mr. Webster has been a theme of frequent discussion. Time had not thinned nor bleached his hair: it was as dark as the raven's plumage, surmounting his massive brow in ample folds. His eyes, always dark and deep-set, enkindled by some glowing thought, shone from beneath his sombre, overhanging brow like lights, in the blackness of night, from a sepulchre. It was such a countenance as Salvator Rosa delighted to paint.

"No one understood, or understands, better than Mr. Webster the

with the occasion that calls them forth; the impression is lost in the attempt at transmission from one mind to another. They can only be described in general terms. 'Of the effectiveness of Mr. Webster's manner in many parts,' says Mr. Everett, 'it would be in vain to attempt to give any one not present the faintest idea. It has been my fortune to hear some of the ablest speeches of the greatest living orators on both sides of the water, but I must confess I never heard anything which so completely realized my conception of what Demosthenes was when he delivered the Oration for the Crown.'

"The exulting rush of feeling with which he went through the peroration threw a glow over his countenance like inspiration. Eye, brow, each feature, every line of the face, seemed touched as with a celestial fire. All gazed as at something more than human. So Moses might have appeared to the awe-struck Israelites as he emerged from the dark clouds and thick smoke of Sinai, his face all radiant with the breath of divinity!

"The swell and roll of his voice struck upon the ears of the spell-bound audience, in deep and melodious cadence, as waves upon the shore of the 'far-resounding' sea. The Miltonic grandeur of his words was the fit expression of his thought and raised his hearers up to his theme. His voice, exerted to its utmost power, penetrated every recess or corner of the Senate, — penetrated even the ante-rooms and stairways as he pronounced in deepest tones of pathos these words of solemn significance.

"The speech was over, but the tones of the orator still lingered upon the ear, and the audience, unconscious of the philosophy of dress, — what a powerful auxiliary it is to speech and manner when harmonizing with them. On this occasion he appeared in a blue coat and buff vest, — the Revolutionary colors of buff and blue, — with a white cravat; a costume than which none is more becoming to his face and expression. This courtly particularity of dress adds no little to the influence of his manner and appearance." (March.)

close, retained their positions. The agitated countenance, the heaving breast, the suffused eye attested the continued influence of the spell upon them. Hands that in the excitement of the moment had sought each other, still remained closed in an unconscious grasp. Eye still turned to eye, to receive and repay mutual sympathy, and everywhere around seemed forgetfulness of all but the orator's presence and words.

“When the Vice-President, hastening to dissolve the spell, angrily called to order! order! there never was a deeper stillness — not a movement, not a gesture had been made, not a whisper uttered, — order! Silence could almost have heard itself, it was so supernaturally still. The feeling was too overpowering to allow expression by voice or hand. It was as if one was in a trance, all motion paralyzed.

“But the descending hammer of the Chair awoke them with a start, and with one universal, long-drawn, deep breath, with which the overcharged heart seeks relief, the crowded assembly broke up and departed.”

The excitement which prevailed when it was known that Webster would reply to Hayne was not confined to Washington. According to an interesting tradition which is worth recalling though perhaps not accepting, the Providence papers showed the most enterprise. It was determined that if the weather was favorable, in addition to the relay of horses, the Providence papers were to take advantage of the quiet waters on Long Island Sound and place on board a steamer frames and cases and type and compositors. The water proved to be remarkably calm, and on arriving at Providence the speech was in type, set up on the passage, ready for proving and correcting, and of course was published in an “extra” immediately. Of this legend the editor finds no verification. It is probably a variant of a story told of Henry J. Raymond. In 1843 Raymond reported a speech by Webster, delivered at Boston in the

afternoon, and had the type set up on board the night boat for New York; the next morning the speech appeared in full in the "Tribune."

Mr. Hayne was in his thirty-ninth and Mr. Webster in his forty-ninth year at the time of the Great Debate. It is worthy of note that Webster calls his reply "No. 1 among my political efforts." ("Private Correspondence," ii. 415.)

SKETCH OF ROBERT YOUNG HAYNE.

ROBERT YOUNG HAYNE was born in St. Paul's parish, Colleton district, South Carolina, November 10, 1791; he died at Asheville, North Carolina, September 24, 1839, while attending a convention there, as president of the Cincinnati and Charleston Railroad.

His career was typical of the best sort of Southern men of his day, determined by a chivalrous love for his country and his State, and by unselfish efforts to further their best interests. Into the forty-eight years of his life was crowded a succession of demands upon his courage, prudence, and wisdom that severely tested his moral and intellectual resources, and to none of them did he fail to respond. Educated in Charleston, he afterward studied and practiced law there, having been admitted to the bar eight days before his twenty-first birthday. A well-known anecdote of Hayne gives a hint of at least one factor in the development of his character. Judge Cheves, with whom he studied law, being forced to abandon his legal practice upon his election to Congress, left his large business in the hands of this young pupil. When the latter expressed some doubt as to his ability to carry on so responsible a work, the judge said, "My young friend, never distrust yourself." Mr. Hayne is believed to have acted from that time upon this advice, and we may readily believe it; for only this self-confidence, — which was far removed from self-conceit, — combined with an unusually accurate knowledge of his own intellectual powers, could have carried him so well through emergencies which seldom come to any but the greatest men.

During the War of 1812 he served as captain in the

third South Carolina regiment, and at about this time he married Miss Frances Pinckney, who died in 1818. Miss Rebecca B. Alston became his wife two years later, and survived him. From 1814 to 1818 he was a member of the legislature of the State, and during the last year of that time he served as Speaker of the House. A characteristic story is that which relates his preparation for entering upon the duties of the last-named office. His election to the speakership was unexpected, and he felt his knowledge of parliamentary rules to be quite inadequate to the acceptable performance of the duties of the position. The House having adjourned on the first day of the session after its organization, Mr. Hayne borrowed from a friend a copy of Jefferson's "Mammal" for the night, and the next day his ability as a presiding officer was unquestioned. General McDuffie quotes him as saying on this occasion, "I have always found that good sense and a firm purpose, with competent general education, qualify a man for anything."

From 1818 to 1823 he held the attorney-generalship of South Carolina, an office which he abandoned only to take his seat in the Senate of the United States. It was a peculiarly significant call at this crisis, when South Carolina was striving to defeat the purpose of Congress to impose a protective tariff. In common with the rest of the South, South Carolina believed that she could hope to avert this catastrophe only through the influence and eloquence of her ablest men. Hayne was barely old enough to take his seat, but from the first he ranged himself with the opposition to the tariff, and unhesitatingly and unremittingly denied the constitutional power of Congress to impose duties on imports for the purpose of protecting American manufactures.

Mr. Hayne's debate with Webster was his first important speech in the Senate. According to March, he had occasionally addressed the Senate, and displayed qualities of mind which seemed to justify all previous encomiums. He was, too, personally popular, — an advantage of no incon-

siderable nature in whatever contest or undertaking a man is engaged with his fellows. Colonel Hayne deserved his popularity. He had a courteous and frank address, conciliatory manners and deportment. He was high-minded and sincere; easy and agreeable in conversation; of great vivacity of intellect, and mercurial talent.

“Hayne dashed into debate, like the Mameluke cavalry upon a charge. There was a gallant air about him that could not but win admiration. He never provided for retreat; he never imagined it. He had an invincible confidence in himself, which arose partly from constitutional temperament, partly from previous success. . . . His oratory was graceful and persuasive. An impassioned manner, somewhat vehement at times, but rarely if ever extravagant; a voice well modulated and clear; a distinct though rapid enunciation; a confident but not often offensive address: these, accompanying and illustrating language well selected and periods well turned, made him a popular and effective speaker. . . .

“Colonel Hayne was, incontestably, the most formidable of Mr. Webster’s opponents. He had more native and acquired ability than any of them. Such is the concurrent opinion of all who witnessed this great forensic contest; among others, of the Hon. Mr. Everett of Massachusetts.”¹

His speech, delivered January 9, 1832, in opposition to Clay’s proposal that duties should be repealed on all imported articles which did not come into competition with American manufactures, contains strong arguments for free trade which have done duty ever since. Hayne’s amendment to Clay’s resolution provided for the reduction of duties to a revenue standard, “allowing a reasonable time for the gradual reduction of the present high duties on the articles coming into competition with similar articles made or produced within the United States.” But the tariff act

¹ *Daniel Webster and his Contemporaries*, by C. W. March.

of 1832 was passed; and the legislature of South Carolina, in response to an appeal from Hayne and his fellow-congressmen, called a sovereign convention of the people, which, on November 24, 1832, adopted the Ordinance of Nullification, reported by Hayne as chairman of the committee of twenty-one.

Hayne resigned his seat in the Senate shortly afterward to take the governorship of South Carolina at a time when civil war seemed imminent if not inevitable. His belief in the justice of South Carolina's cause held him firmly to a purpose from the possible consequences of which his whole nature recoiled, but he saw no honorable alternative. He only affirmed that the United States must strike the first blow; then South Carolina would not flinch. During the interval between the passing of the Ordinance and Clay's consent to a compromise act which virtually granted Hayne's original demand, General Jackson issued his Nullification Proclamation, to which Hayne, at the request of the legislature, responded by a counter-proclamation. The compromise was accepted, and on March 11, 1833, South Carolina called another convention and repealed the Nullification Ordinance.

Hayne's term of office as governor expired in 1834, and he was then chosen the first mayor (intendant) of Charleston, an office which he administered with his usual energy and firmness. His natural business ability was unusual, and his varied experiences had strengthened his grasp in this direction, so that, having instigated and encouraged the formation of the Louisville, Cincinnati, and Charleston Railroad Company, he was naturally chosen as its president. This was in January, 1837, and he was forced to resign his position as mayor in order to accept it.

He became deeply interested in the growing problems of communication and transportation, and advocated, among other things, the establishment of direct commercial intercourse between the Southern ports and Europe; and it was

while devoting his organizing ability to the development of the material interests of the South that he was attacked by a bilious fever, from which he died after a ten days' illness. His body, temporarily interred at Asheville, was afterwards taken to Charleston.

Mr. Hayne's character was singularly harmonious. General George McDuffie in his "Eulogy upon the Life and Character of the late Robert Y. Hayne," delivered at the request of the citizens of Charleston, says: "It is not so much by any one faculty standing out in prominent relief, as by the admirable adjustment of all his moral and intellectual qualities that he was distinguished from other men." He was not a great man, and yet he was not without some of the qualities of greatness. Like all versatile men he did many things well, but nothing supremely well. His gifts as a lawyer made him an admirable attorney-general; a certain innate quickness in grasping the essentials of a subject, and a naturally fluent and lucid speech easily gained him a high place as a parliamentary debater; his coolness and firmness at critical moments indicated him as a leader in troublous times; and his practical sense and judgment in business affairs rendered it difficult not to choose him to head a new and important enterprise of that nature. His uncompromising character stood out in violent contrast to Clay, who was, as Carl Schurz says, "a natural compromiser." And this was singularly noticeable at a time when compromise was almost the watchword of the hour. His enthusiasms, controlled in the main by the judgment of a disciplined mind, produced that balance which distinguishes the statesman from the politician.

He was, perhaps, one of the men to be loved rather than venerated, and the tribute of affection has been generously showered upon him and upon his memory.



SPEECH OF MR. HAYNE

IN THE SENATE, ON MR. FOOTE'S RESOLUTION,

THURSDAY, JANUARY 21, AND MONDAY, JANUARY 25, 1830.

WHEN I took occasion, Mr. President, two days ago, to throw out some ideas with respect to the policy of the government in relation to the public lands, nothing certainly could have been further from my thoughts than that I should be compelled again to throw myself upon the indulgence of the Senate. Little did I expect to be called upon to meet such an argument as was yesterday urged by the gentleman from Massachusetts [Mr. Webster]. Sir, I questioned no man's opinions, I impeached no man's motives, I charged no party, or State, or section of country with hostility to any other: but ventured, I thought in a becoming spirit, to put forth my own sentiments in relation to a great national question of public policy. Such was my course. The gentleman from Missouri [Mr. Benton], it is true, had charged upon the Eastern States an early and continued hostility toward the West, and referred to a number of historical facts and documents in support of that charge. Now, sir, how have these different arguments been met? The honorable gentleman from Massachusetts, after deliberating a whole night upon his course, comes into this chamber to vindicate New England: and, instead of making up his issue with the gentleman from Missouri on the charges which he had preferred, chooses

to consider me as the author of those charges, and, losing sight entirely of that gentleman, selects me as his adversary and pours out all the vials of his mighty wrath upon my devoted head. Nor is he willing to stop there. He goes on to assail the institutions and policy of the South, and calls in question the principles and conduct of the State which I have the honor to represent. When I find a gentleman of mature age and experience, of acknowledged talents and profound sagacity, pursuing a course like this, declining the contest from the West and making war upon the unoffending South, I must believe, I am bound to believe, he has some object in view that he has not ventured to disclose. Mr. President, why is this? Has the gentleman discovered in former controversies with the gentleman from Missouri that he is overmatched by that Senator? And does he hope for an easy victory over a more feeble adversary? Has the gentleman's distempered fancy been disturbed by gloomy forebodings of "new alliances to be formed," at which he hinted? Has the ghost of the murdered Coalition¹ come back, like the ghost of Banquo, to "sear the eyeballs"² of the gentleman, and will it not "down at his bidding"? Are dark

¹ The coalition or bargain alleged to have been made between John Quincy Adams and Henry Clay, by which Adams was chosen to the presidency and Clay became Secretary of State. No one seriously believes this charge now, but it dogged the career of Clay, and was instrumental in keeping him from the presidency. Carl Schurz, in his *Henry Clay*, vol. i. (American Statesmen Series), tells the story concisely. Clay's duel with John Randolph arose from the charge of a combination preferred by the latter in his speech on the President's message in 1826.

² A reference to Shakespeare's *Macbeth*, act iv., scene 1, line 113.

visions of broken hopes and honors lost forever still floating before his heated imagination? Sir, if it be his object to thrust me between the gentleman from Missouri and himself, in order to rescue the East from the contest it has provoked with the West, he shall not be gratified. Sir, I will not be dragged into the defense of my friend from Missouri. The South shall not be forced into a conflict not its own. The gentleman from Missouri is able to fight his own battles. The gallant West needs no aid from the South to repel any attack which may be made on them from any quarter. Let the gentleman from Massachusetts controvert the facts and arguments of the gentleman from Missouri if he can; and if he win the victory, let him wear its honors; I shall not deprive him of his laurels.

The gentleman from Massachusetts, in reply to my remarks on the injurious operations of our land system on the prosperity of the West, pronounced an extravagant eulogium on the paternal care which the government had extended toward the West, to which he attributed all that was great and excellent in the present condition of the new States. The language of the gentleman on this topic fell upon my ears like the almost forgotten tones of the Tory leaders of the British Parliament at the commencement of the American Revolution. They, too, discovered that the colonies had grown great under the fostering care of the mother country: and I must confess, while listening to the gentleman, I thought the appropriate reply to his argument was to be found in the remark of a celebrated orator, made on that occasion: "They have grown great in spite of your protection."¹

¹ This is an adaptation rather than a quotation from Colonel

The gentleman, in commenting on the policy of the government in relation to the new States, has introduced to our notice a certain Nathan Dane¹ of Massachusetts, to whom he attributes the celebrated Ordinance of '87,² by which he tells us "slavery was forever excluded from the new States north of the Ohio." After eulogizing the wisdom of this provision in terms of the most extravagant praise, he breaks forth in admiration of the greatness of Nathan Dane: and great indeed he must be, if it be true, as stated

Barré's speech on the Stamp Act, in the course of which he said, "They nourished by your indulgence! They grew by your neglect of them!"

¹ The animus shown by Hayne against Nathan Dane was due to the provision in the Ordinance of 1787 which excluded "slavery and involuntary servitude" from the Northwest Territory. Dane was the framer of this Ordinance. He held numerous public offices, but he is best remembered as founder of the Dane professorship in the Harvard Law School. On three several occasions he was employed by his native State on the revision of laws, charters, and statutes. His most important work is *A General Abridgment and Digest of American Law*. He was born in Ipswich, Massachusetts, in 1752, graduated at Harvard College in 1778, and received the degree of LL. D. from that institution. He died in Beverly in 1835. Dane's own view of the Ordinance of 1787 is given in a letter to Webster. (*Proceedings of Massachusetts Historical Society*, 1867-69, pp. 475-80.)

² "An ordinance for the government of the territory of the United States northwest of the river Ohio" was reported in 1787 to the Continental Congress. It provided, among other matters, for the immediate abolition of slavery in the Territory, wherein it differed from Jefferson's plan known as the Ordinance of 1784, which it largely followed. The reason for its adoption lay in the fact that, containing a provision for the return of fugitive slaves, it did not encounter Southern opposition. This territory included the area east of the Mississippi, west of Pennsylvania, and north of the Ohio River, ceded to Congress by Virginia, New York, Massachusetts, and Connecticut.

by the Senator from Massachusetts, that "he was greater than Solon and Lyeurgus, Minos, Numa Pompilius, and all the legislators and philosophers of the world," ancient and modern.¹ Sir, to such high authority it is certainly my duty, in a becoming spirit of humility, to submit. And yet the gentleman will pardon me when I say that it is a little unfortunate for the fame of this great legislator that the gentleman from Missouri should have proved that he was not the author of the Ordinance of '87,² on which the Senator from Massachusetts has reared so glorious a monument to his name. Sir, I doubt not the Senator will feel some compassion for our ignorance when I tell him that so little are we acquainted with the modern great men of New England that, until he informed us yesterday that we possessed a Solon and a Lyeurgus in the person of Nathan Dane, he was only known to the South as a member of a celebrated assembly called and known by the name of the "Hartford Convention."³ In the proceedings of that assem-

¹ Webster, in his first speech on Foote's resolution (*Works*, 1853, vol. iii. p. 263), says: "We help to perpetuate the fame of Solon and Lyeurgus; but I doubt whether one single law of any lawgiver, ancient or modern, has produced effects of more distinct, marked, and lasting character."

² In answer to Benton on this matter, Webster said in his second speech, "It so happened that he [Dane] drew the Ordinance of 1787," — making no further defense of his assertion.

³ Twenty-six representatives from Massachusetts, Connecticut, and Rhode Island, and from two counties in New Hampshire and one in Vermont, met at Hartford, Connecticut, on December 15, 1814, and adjourned January 5, 1815. This convention was an open expression of dissatisfaction on the part of the Federalists of New England with the War of 1812, in which that section of the country had taken little part. To this day an impression exists that the convention was treasonable in

bly, which I hold in my hand (at page 19),¹ will be found, in a few lines, the history of Nathan Dane; and a little further on there is conclusive evidence of that ardent devotion to the interest of the new States which, it seems, has given him a just claim to the title of "Father of the West." By the second resolution of the "Hartford Convention" it is declared "that it is expedient to attempt to make provision for restraining Congress in the exercise of an unlimited power to make new States and admit them into this Union." So much for Nathan Dane of Beverly, Massachusetts.

In commenting upon my views in relation to the public lands, the gentleman insists that, it being one of the conditions of the grants that these lands should be applied to "the common benefit of all the States, they must always remain a fund for revenue:" and adds, "they must be treated as so much treasure." Sir, the gentleman could hardly find language strong enough to convey his disapprobation of the policy which I had ventured to recommend to the favorable consideration of the country. And what, sir, was that policy, and what is the difference between that gentleman and myself on this subject? I threw out the idea that the public lands ought not to be reserved forever as "a great fund for revenue:" that they ought not to be treated "as a great treasure:" but that the course of our policy should rather be directed toward the creation of new States, and building up great and flourishing communities.

its purposes, and intended to dissolve the Union. It is true that grievances were plainly expressed and changes urged in the Constitution. These changes were to be proposed by a convention of all the States, to which the Hartford Convention was preliminary.

¹ The reference is to Lyman's *Short Account of the Hartford Convention*.

Now, sir, will it be believed, by those who now hear me, and who listened to the gentleman's denunciation of my doctrines yesterday, that a book lay open before him, — nay, that he held it in his hand and read from it certain passages of his own speech delivered to the House of Representatives in 1825, in which speech he himself contended for the very doctrines I had advocated, and almost in the very same terms? Here is the speech of the Hon. Daniel Webster, contained in the first volume of Gales and Seaton's "Register of Debates" (page 251), delivered in the House of Representatives on the 18th of January, 1825, in a debate on the Cumberland Road,¹ — the very debate from which the Senator read yesterday. I shall read from the celebrated speech two passages from which it will appear that, both as to the past and the future policy of the government in relation to the public lands, the gentleman from Massachusetts maintained in 1825 substantially the same opinions which I have advanced, but which he now so strongly reprobates. I said, sir, that the system of credit sales by which the West had been kept constantly in debt to the United States, and by which their wealth was drained off to be expended elsewhere, had operated injuriously on their prosperity. On this point the gentleman from Massachusetts in January, 1825, expressed himself thus: "There could be no doubt, if gentlemen looked at the

¹ The Cumberland or National Road was first projected from Cumberland, Maryland, to the Ohio River, but was extended as far as Illinois. From 1806 to 1838, as many as sixty bills were passed regarding its establishment, maintenance, and extension, the total appropriations amounting to nearly \$7,000,000. The constitutionality of an act of Congress thus to provide for an internal improvement was vigorously denied, and Monroe vetoed one bill in 1822 which provided for repairing the road.

money received into the Treasury from the sale of the public lands to the West, and then looked to the whole amount expended by government (even including the whole amount of what was laid out for the army), the latter must be allowed to be very inconsiderable, and there must be a constant drain of money from the West to pay for the public lands. It might indeed be said that this was no more than the reflux of capital which had previously gone over the mountains. Be it so. Still its practical effect was to produce inconvenience, if not distress, by absorbing the money of the people."

I contended that the public lands ought not to be treated merely as "a fund for revenue;" that they ought not to be hoarded "as a great treasure." On this point the Senator expressed himself thus: Government, he believed, had received eighteen or twenty millions of dollars from the public lands, and it was with the greatest satisfaction he adverted to the change which had been introduced in the mode of paying for them; yet he could never think the national domain was to be regarded as any great source of revenue. The great object of the government, in respect to these lands, was not so much the money derived from their sale as it was the getting them settled. What he meant to say was, he did not think they ought to hug that domain as a great treasure which was to enrich the exchequer.

Now, Mr. President, it will be seen that the very doctrines which the gentleman so indignantly abandons were urged by him in 1825: and if I had actually borrowed my sentiments from those which he then avowed, I could not have followed more closely in his footsteps. Sir, it is only since the gentleman

quoted this book, yesterday, that my attention has been turned to the sentiments he expressed in 1825: and if I had remembered them, I might possibly have been deterred from uttering sentiments here which, it might well be supposed, I had borrowed from that gentleman.

In 1825 the gentleman told the world that the public lands "ought not to be treated as a treasure." He now tells us that "they must be treated as so much treasure." What the deliberate opinion of the gentleman on this subject may be, belongs not to me to determine: but I do not think he can, with the shadow of justice or propriety, impugn my sentiments, while his own recorded opinions are identical with my own. When the gentleman refers to the conditions of the grants under which the United States have acquired these lands, and insists that, as they are declared to be "for the common benefit of all the States," they can only be treated as so much treasure, I think he has applied a rule of construction too narrow for the case. If, in the deeds of cession, it has been declared that the grants were intended "for the common benefit of all the States," it is clear, from other provisions, that they were not intended merely as so much property: for it is expressly declared that the object of the grants is the erection of new States: and the United States, in accepting this trust, bind themselves to facilitate the foundation of those States, to be admitted into the Union with all the rights and privileges of the original States.

This, sir, was the great end to which all parties looked, and it is by the fulfillment of this high trust that "the common benefit of all the States" is to be best promoted. Sir, let me tell the gentleman that in

the part of the country in which I live we do not measure political benefits by the money standard. We consider as more valuable than gold, liberty, principle, and justice. But, sir, if we are bound to act on the narrow principles contended for by the gentleman, I am wholly at a loss to conceive how he can reconcile his principles with his own practice. The lands are, it seems, to be treated "as so much treasure," and must be applied to the "common benefit of all the States." Now, if this be so, whence does he derive the right to appropriate them for partial and local objects? How can the gentleman consent to vote away immense bodies of these lands for canals in Indiana and Illinois, to the Louisville and Portland Canal,¹ to Kenyon College in Ohio, to schools for the deaf and dumb, and other objects of a similar description? If grants of this character can fairly be considered as made "for the common benefit of all the States," it can only be because all the States are interested in the welfare of each, — a principle which, carried to the full extent, destroys all distinction between local and national objects, and is certainly broad enough to embrace the principles for which I have ventured to contend. Sir, the true difference between us I take to be this: the gentleman wishes to treat the public lands as a great treasure, just as so much money in the treasury, to be applied to all objects, constitutional and unconstitutional, to which the public money is now constantly applied. I consider it as a sacred trust which we ought to fulfill on the principles for which I have contended.

The Senator from Massachusetts has thought proper to present, in strong contrast, the friendly feelings of

¹ Incorporated January 12, 1825.

the East toward the West, with sentiments of an opposite character displayed by the South in relation to appropriations for internal improvement. Now, sir, let it be recollected that the South have made no professions (I have certainly made none in their behalf) of regard for the West. It has been reserved to the gentleman from Massachusetts, while he vaunts his own personal devotion to Western interests, to elaim for the entire section of country to which he belongs an ardent friendship for the West, as manifested by their support of the system of internal improvement, while he casts in our teeth the reproach that the South has manifested hostility to Western interests in opposing appropriations for such objects. That gentleman, at the same time, acknowledged that the South entertains constitutional scruples on this subject. Are we then, sir, to understand that the gentleman considers it a just subject of reproach that we respect our oaths by which we are bound "to preserve, protect, and defend the Constitution of the United States"? Would the gentleman have us manifest our love to the West by trampling under foot our constitutional scruples? Does he not perceive, if the South is to be reproached with unkindness to the West in voting against appropriations which the gentleman admits they could not vote for without doing violence to their constitutional opinions, that he exposes himself to the question whether, if he were in our situation, he could vote for these appropriations, regardless of his scruples? No, sir, I will not do the gentleman so great injustice. He has fallen into this error from not having duly weighed the force and effect of the reproach which he was endeavoring to cast upon the South. In relation to the other point, the friendship

manifested by New England toward the West in their support of the system of internal improvement, the gentleman will pardon me for saying that I think he is equally unfortunate in having introduced that topic. As that gentleman has forced it upon us, however, I cannot suffer it to pass unnoticed. When the gentleman tells us that the appropriations for internal improvement in the West would, in almost every instance, have failed but for the New England votes, he has forgotten to tell us the *when*, the *how*, and the *wherefore* this new-born zeal for the West sprung up in the bosom of New England. If we look back only a few years, we will find in both Houses of Congress a uniform and steady opposition on the part of the members from the Eastern States generally to all appropriations of this character. At the time I became a member of this House, and for some time afterwards, a decided majority of the New England Senators were opposed to the very measures which the Senator from Massachusetts tells us they now cordially support. Sir, the Journals are before me, and an examination of them will satisfy every gentleman of that fact.

It must be well known to every one whose experience dates back as far as 1825 that, up to a certain period, New England was generally opposed to appropriations for internal improvements in the West. The gentleman from Massachusetts may be himself an exception, but if he went for the system before 1825, it is certain that his colleagues did not go with him. In the session of 1824 and 1825, however (a memorable era in the history of this country), a wonderful change took place in New England in relation to Western interests. Sir, an extraordinary union of

sympathies and of interests was then effected, which brought the East and the West into close alliance. The book from which I have before read contains the first public annunciation of that happy reconciliation of conflicting interests, personal and political, which brought the East and West together, and locked in a fraternal embrace the two great orators¹ of the East and the West. Sir, it was on the 18th of January, 1825, while the result of the Presidential election, in the House of Representatives, was still doubtful, while the whole country was looking with intense anxiety to that legislative hall where the mighty drama was so soon to be acted, that we saw the leaders of two great parties in the House and in the nation "taking sweet counsel together," and in a celebrated debate on the Cumberland Road fighting side by side for Western interests. It was on that memorable occasion that the Senator from Massachusetts held out the white flag to the West, and uttered those liberal sentiments which he yesterday so indignantly repudiated. Then it was that that happy union between the members of the celebrated Coalition was consummated, whose immediate issue was a President from one quarter of the Union, with a succession (as it was supposed) secured to another. The "American System,"² before a rude, disjointed, and misshapened mass, now assumed form and consistency. Then it was that it became "the settled policy of the government" that this system should be so administered as to create a reciprocity of interests

¹ Clay and Webster.

² Henry Clay gave the name of "American System" to his plan of protection and internal improvement brought forward during the debates which preceded the passage of the tariff of 1824.

and a reciprocal distribution of government favors, East and West (the tariff and internal improvements), while the South — yes, sir, the impracticable South — was to be “out of your protection.” The gentleman may boast as much as he pleases of the friendship of New England for the West, as displayed in their support of internal improvement; but, when he next introduces that topic, I trust that he will tell us when that friendship commenced, how it was brought about, and why it was established. Before I leave this topic I must be permitted to say that the true character of the policy now pursued by the gentleman from Massachusetts and his friends, in relation to appropriations of land and money for the benefit of the West, is in my estimation very similar to that pursued by Jacob of old toward his brother Esau: “it robs them of their birthright for a mess of pottage.”

The gentleman from Massachusetts, in alluding to a remark of mine that, before any disposition could be made of the public lands, the national debt, for which they stand pledged, must be first paid, took occasion to intimate “that the extraordinary fervor which seems to exist in a certain quarter [meaning the South, sir], for the payment of the debt, arises from a disposition to weaken the ties which bind the people to the Union.” While the gentleman deals us this blow, he professes an ardent desire to see the debt speedily extinguished. He must excuse me, however, for feeling some distrust on that subject until I find this disposition manifested by something stronger than professions. I shall look for acts, decided and unequivocal acts, for the performance of which an opportunity will very soon (if I am not greatly mistaken) be afforded. Sir, if I were at liberty to judge of the

course which that gentleman would pursue, from the principles which he has laid down in relation to this matter, I should be bound to conclude that he will be found acting with those with whom it is a darling object to prevent the payment of the public debt. He tells us he is desirous of paying the debt, "because we are under an obligation to discharge it." Now, sir, suppose it should happen that the public creditors, with whom we have contracted the obligation, should release us from it, so far as to declare their willingness to wait for payment for fifty years to come, provided only the interest shall be punctually discharged. The gentleman from Massachusetts will then be released from the obligation which now makes him desirous of paying the debt; and, let me tell the gentleman, the holders of the stock will not only release us from this obligation, but they will implore, nay, they will even pay us not to pay them. "But," adds the gentleman, "so far as the debt may have an effect in binding the debtors to the country, and thereby serving as a link to hold the States together, he would be glad that it should exist forever." Surely then, sir, on the gentleman's own principles, he must be opposed to the payment of the debt.

Sir, let me tell that gentleman that the South repudiates the idea that a pecuniary dependence on the federal government is one of the legitimate means of holding the States together. A moneyed interest in the government is essentially a base interest: and just so far as it operates to bind the feelings of those who are subjected to it to the government,—just so far as it operates in creating sympathies and interests that would not otherwise exist,—is it opposed to all

the principles of free government, and at war with virtue and patriotism. Sir, the link which binds the public creditors, as such, to their country, binds them equally to all governments, whether arbitrary or free. In a free government, this principle of abject dependence, if extended through all the ramifications of society, must be fatal to liberty. Already have we made alarming strides in that direction. The entire class of manufacturers, the holders of stocks, with their hundreds of millions of capital, are held to the government by the strong link of pecuniary interests; millions of people — entire sections of country, interested, or believing themselves to be so, in the public lands and the public treasure — are bound to the government by the expectation of pecuniary favors. If this system is carried much further, no man can fail to see that every generous motive of attachment to the country will be destroyed, and in its place will spring up those low, groveling, base, and selfish feelings which bind men to the footstool of a despot by bonds as strong and enduring as those which attach them to free institutions. Sir, I would lay the foundation of this government in the affections of the people. I would teach them to cling to it by dispensing equal justice and, above all, by securing the “blessings of liberty” to “themselves and to their posterity.”

The honorable gentleman from Massachusetts has gone out of his way to pass a high eulogium on the State of Ohio. In the most impassioned tones of eloquence he described her majestic march to greatness. He told us that, having already left all the other States far behind, she was now passing by Virginia and Pennsylvania, and about to take her station by the

side of New York. To all this, sir, I was disposed most cordially to respond. When, however, the gentleman proceeded to contrast the State of Ohio with Kentucky, to the disadvantage of the latter, I listened to him with regret: and when he proceeded further to attribute the great and, as he supposed, acknowledged superiority of the former in population, wealth, and general prosperity to the policy of Nathan Dane of Massachusetts, which had secured to the people of Ohio (by the Ordinance of '87) a population of free-men, I will confess that my feelings suffered a revolution which I am now unable to describe in any language sufficiently respectful toward the gentleman from Massachusetts. In contrasting the State of Ohio with Kentucky, for the purpose of pointing out the superiority of the former, and of attributing that superiority to the existence of slavery in the one State and its absence in the other, I thought I could discern the very spirit of the Missouri question¹ intruded

¹ The Missouri Compromise came about in the following manner: In the first session of the Sixteenth Congress the House passed a bill admitting Maine, but refused to admit Missouri as a slave State. In the Senate the Maine bill and another for the admission of Missouri with slavery were combined in one bill and passed, but this bill was rejected by the House. By means of a compromise effected by Clay and other moderate members, the Senate then allowed each State to be voted on separately, and the House agreed to permit slavery in Missouri. Then both Houses prohibited slavery north of $36^{\circ} 30'$, and Maine was admitted to the Union, while the formation of a State government in Missouri was authorized. In the second session of the Sixteenth Congress Missouri applied for admission, and the House rejected the application because a clause in the Constitution of Missouri prohibited the entrance of free negroes. On March 2, 1821, Clay managed to admit Missouri on the condition that it should never pass an act to interfere with the constitutional privileges of citizens of another State.

into this debate for objects best known to the gentleman himself. Did that gentleman, sir, when he formed the determination to cross the Southern border in order to invade the State of South Carolina, deem it prudent or necessary to enlist under his banners the prejudices of the world, which, like Swiss troops, may be engaged in any cause, and are prepared to serve under any leader? Did he desire to avail himself of those remorseless allies, the passions of mankind, of which it may be more truly said than of the savage tribes of the wilderness that their "known rule of warfare is an indiscriminate slaughter of all ages, sexes, and conditions"?¹ Or was it supposed, sir, that, in a premeditated and unprovoked attack upon the South, it was advisable to begin by a gentle admonition of our supposed weakness, in order to prevent us from making that firm and manly resistance due to our own character and our dearest interests? Was the significant hint of the weakness of slaveholding States, when contrasted with the superior strength of free States, — like the glare of the weapon half drawn from its scabbard, — intended to enforce the lessons of prudence and of patriotism which the gentleman had resolved, out of his abundant generosity, gratuitously to bestow upon us? Mr. President, the impression which has gone abroad of the weakness of the South, as connected with the slave question, exposes us to such constant attacks, has done us so much injury, and is calculated to produce such infinite mis-

¹ "He has excited domestic insurrection among us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions" (Declaration of Independence).

chiefs, that I embrace the occasion presented by the remarks of the gentleman from Massachusetts to declare that we are ready to meet the question promptly and fearlessly. It is one from which we are not disposed to shrink, in whatever form or under whatever circumstances it may be pressed upon us.

We are ready to make up the issue with the gentleman as to the influence of slavery on individual and national character, — on the prosperity and greatness either of the United States or of particular States. Sir, when arraigned before the bar of public opinion on this charge of slavery, we can stand up with conscious rectitude, plead not guilty, and put ourselves upon God and our country. Sir, we will not consent to look at slavery in the abstract. We will not stop to inquire whether the black man, as some philosophers have contended, is of an inferior race, nor whether his color and condition are the effects of a curse inflicted for the offenses of his ancestors. We deal in no abstractions. We will not look back to inquire whether our fathers were guiltless in introducing slaves into this country. If an inquiry should ever be instituted into these matters, however, it will be found that the profits of the slave trade were not confined to the South. Southern ships and Southern sailors were not the instruments of bringing slaves to the shores of America, nor did our merchants reap the profits of that “accursed traffic.” But, sir, we will pass over all this. If slavery, as it now exists in this country, be an evil, we of the present day found it ready made to our hands. Finding our lot cast among a people whom God had manifestly committed to our care, we did not sit down to speculate on abstract questions of theoretical liberty. We met it as a prac-

tical question of obligation and duty. We resolved to make the best of the situation in which Providence had placed us, and to fulfill the high trust which had devolved upon us as the owners of slaves, in the only way in which such a trust could be fulfilled without spreading misery and ruin throughout the land. We found that we had to deal with a people whose physical, moral, and intellectual habits and character totally disqualified them for the enjoyment of the blessings of freedom. We could not send them back to the shores from whence their fathers had been taken; their numbers forbade the thought, even if we did not know that their condition here is infinitely preferable to what it possibly could be among the barren sands and savage tribes of Africa: and it was wholly irreconcilable with all our notions of humanity to tear asunder the tender ties which they had formed among us, to gratify the feelings of a false philanthropy. What a commentary on the wisdom, justice, and humanity of the Southern slave-owner is presented by the example of certain benevolent associations and charitable individuals elsewhere! Shedding weak tears over sufferings which had existence only in their own sickly imaginations, these "friends of humanity" set themselves systematically to work to seduce the slaves of the South from their masters. By means of missionaries and political tracts, the scheme was in a great measure successful. Thousands of these deluded victims of fanaticism were seduced into the enjoyment of freedom in our Northern cities. And what has been the consequence? Go to these cities now and ask the question. Visit the dark and narrow lanes, and obscure recesses, which have been assigned by common consent as the abodes of those outcasts of the

world, the free people of color. Sir, there does not exist, on the face of the whole earth, a population so poor, so wretched, so vile, so loathsome, so utterly destitute of all the comforts, conveniences, and decencies of life, as the unfortunate blacks of Philadelphia, and New York, and Boston. Liberty has been to them the greatest of calamities, the heaviest of curses. Sir, I have had some opportunities of making comparison between the condition of the free negroes of the North and the slaves of the South, and the comparison has left not only an indelible impression of the superior advantages of the latter, but has gone far to reconcile me to slavery itself. Never have I felt so forcibly that touching description, "the foxes have holes, and the birds of the air have nests, but the Son of man hath not where to lay his head," as when I have seen this unhappy race, naked and houseless, almost starving in the streets, and abandoned by all the world. Sir, I have seen in the neighborhood of one of the most moral, religious, and refined cities of the North a family of free blacks driven to the caves of the rock, and there obtaining a precarious subsistence from charity and plunder.

When the gentleman from Massachusetts adopts and reiterates the old charge of weakness as resulting from slavery, I must be permitted to call for the proof of those blighting effects which he ascribes to its influence. I suspect that when the subject is closely examined, it will be found that there is not much force even in the plausible objection of the want of physical power in slaveholding States. The power of a country is compounded of its population and its wealth: and in modern times, where, from the very form and structure of society, by far the greater por-

tion of the people must, even during the continuance of the most desolating wars, be employed in the cultivation of the soil and other peaceful pursuits, it may be well doubted whether slaveholding States, by reason of the superior value of their productions, are not able to maintain a number of troops in the field fully equal to what could be supported by States with a larger white population but not possessed of equal resources.

It is a popular error to suppose that in any possible state of things the people of a country could ever be called out *en masse*, or that a half, or a third, or even a fifth part of the physical force of any country could ever be brought into the field. The difficulty is not to procure men, but to provide the means of maintaining them: and in this view of the subject it may be asked whether the Southern States are not a source of strength and power, and not of weakness, to the country,—whether they have not contributed and are not now contributing largely to the wealth and prosperity of every State in this Union. From a statement which I hold in my hand it appears that in ten years, from 1818 to 1827 inclusive, the whole amount of the domestic exports of the United States was \$521,811,045: of which three articles (the product of slave labor), viz., cotton, rice, and tobacco, amounted to \$339,203,232, equal to about two thirds of the whole. It is not true, as has been supposed, that the advantages of this labor are confined almost exclusively to the Southern States. Sir, I am thoroughly convinced that, at this time, the States north of the Potomac actually derive greater profits from the labor of our slaves than we do ourselves. It appears from our public documents that in seven years, from 1821 to 1827 inclusive, the six Southern

States exported \$190,337,281 and imported only \$55,646,301. Now, the difference between these two sums (near \$140,000,000) passed through the hands of the Northern merchants, and enabled them to carry on their commercial operations with all the world. Such part of these goods as found its way back to our hands came charged with the duties, as well as the profits, of the merchant, the shipowner, and a host of others, who found employment in carrying on these immense exchanges; and for such part as was consumed at the North we received in exchange Northern manufactures, charged with an increased price, to cover all the taxes which the Northern consumer has been compelled to pay on the imported article. It will be seen, therefore, at a glance, how much slave labor has contributed to the wealth and prosperity of the United States, and how largely our Northern brethren have participated in the profits of that labor. Sir, on this subject I will quote an authority which will, I doubt not, be considered by the Senator from Massachusetts as entitled to high respect. It is from the great father of the "American System," honest Mathew Carey, no great friend, it is true, at this time, to Southern rights and Southern interests, but not the worst authority, on that account, on the point in question.

Speaking of the relative importance to the Union of the Southern and the Eastern States, Mathew Carey, in the sixth edition of his "Olive Branch"¹ (page

¹ Mathew Carey was born in Ireland in 1760; obliged to fly to Paris on account of his political sympathies, he was befriended by Franklin. In 1784 he came to Philadelphia, where he became both a bookseller and a publisher. For six years he conducted *The American Museum*. His *Olive Branch*, which

278), after exhibiting a number of statistical tables to show the decided superiority of the former, thus proceeds: —

“But I am tired of this investigation. I sicken for the honor of the human species. What idea must the world form of the arrogance of the pretensions of the one side (the East), and, on the other, of the folly and weakness of the rest of the Union, to have so long suffered them to pass without exposure and detection? The naked fact is that the demagogues in the Eastern States, not satisfied with deriving all the benefit from the Southern section of the Union that they would from so many wealthy colonies, — with making princely fortunes by the carriage and exportation of its bulky and valuable productions, and supplying it with their own manufactures and the productions of Europe and the East and West Indies, to an enormous amount and at an immense profit, — have uniformly treated it with outrage, insult, and injury. And, regardless of their vital interests, the Eastern States were lately courting their own destruction by allowing a few restless, turbulent men to lead them blindfolded to a separation which was pregnant with their certain ruin. Whenever that event takes place, they sink to their native insignificance. If a separation were desirable to any part of the Union, it would be to the Middle and Southern States, particularly the latter, who have been so long harassed with the complaints, the restlessness, the turbulence, and the ingratitude

appeared first in 1814, was meant to produce a spirit of political harmony during the conduct of the War of 1812. It is full of information industriously brought together. Carey is best remembered for his zeal in promoting the cause of protection to American industries. He died in 1839.

of the Eastern States, that their patience has been tried almost beyond endurance. ‘Jeshurun waxed fat, and kicked.’¹ And he will be severely punished for his kicking in the event of a dissolution of the Union.”

Sir, I wish it to be distinctly understood that I do not adopt these sentiments as my own. I quote them to show that very different sentiments have prevailed in former times as to the weakness of the slaveholding States from those which now seem to have become fashionable in certain quarters. I know it has been supposed by certain ill-informed persons that the South exists only by the countenance and protection of the North. Sir, this is the idlest of all idle and ridiculous fancies that ever entered into the mind of man. In every State of this Union, except one, the free white population actually preponderates; while in the British West India Islands (where the average white population is less than ten per cent of the whole) the slaves are kept in entire subjection, it is preposterous to suppose that the Southern States could ever find the smallest difficulty in this respect. On this subject, as on all others, we ask nothing of our Northern brethren but to “let us alone.” Leave us to the undisturbed management of our domestic concerns, and the direction of our own industry, and we will ask no more. Sir, all our difficulties on this subject have arisen from interference from abroad, which has disturbed and may again disturb our domestic tranquillity just so far as to bring down punishment upon the heads of the unfortunate victims of a fanatical and mistaken humanity.

There is a spirit which, like the father of evil, is

¹ See Deuteronomy xxxii. 15.

constantly "walking to and fro about the earth, seeking whom it may devour;" it is the spirit of False Philanthropy. The persons whom it possesses do not indeed throw themselves into the flames, but they are employed in lighting up the torches of discord throughout the community. Their first principle of action is to leave their own affairs, and neglect their own duties, to regulate the affairs and duties of others. Theirs is the task to feed the hungry and clothe the naked of other lands, while they thrust the naked, famished, and shivering beggar from their own doors; to instruct the heathen, while their own children want the bread of life. When this spirit infuses itself into the bosom of a statesman (if one so possessed can be called a statesman), it converts him at once into a visionary enthusiast. Then it is that he indulges in golden dreams of national greatness and prosperity. He discovers that "liberty is power," and not content with vast schemes of improvement at home, which it would bankrupt the treasury of the world to execute, he flies to foreign lands to fulfill obligations to "the human race" by inculcating the principles of "political and religious liberty," and promoting the "general welfare" of the whole human race. It is a spirit which has long been busy with the slaves of the South, and is even now displaying itself in vain efforts to drive the government from its wise policy in relation to the Indians. It is this spirit which has filled the land with thousands of wild and visionary projects, which can have no effect but to waste the energies and dissipate the resources of the country. It is the spirit of which the aspiring politician dexterously avails himself when, by inscribing on his banner the magical words Liberty and Philanthropy, he draws to his sup-

port that entire class of persons who are ready to bow down to the very names of their idols.

But, sir, whatever difference of opinion may exist as to the effect of slavery on national wealth and prosperity, if we may trust to experience, there can be no doubt that it has never yet produced any injurious effect on individual or national character. Look through the whole history of the country, from the commencement of the Revolution down to the present hour; where are there to be found brighter examples of intellectual and moral greatness than have been exhibited by the sons of the South? From the Father of his Country down to the distinguished chieftain who has been elevated by a grateful people to the highest office in their gift, the interval is filled up by a long line of orators, of statesmen, and of heroes, justly entitled to rank among the ornaments of their country and the benefactors of mankind. Look at the Old Dominion, great and magnanimous Virginia, "whose jewels are her sons." Is there any State in this Union which has contributed so much to the honor and welfare of the country? Sir, I will yield the whole question: I will acknowledge the fatal effects of slavery upon character, if any one can say that for noble disinterestedness, ardent love of country, exalted virtue, and a pure and holy devotion to liberty, the people of the Southern States have ever been surpassed by any in the world. I know, sir, that this devotion to liberty has sometimes been supposed to be at war with our institutions: but it is in some degree the result of those very institutions. Burke, the most philosophical of statesmen, as he was the most accomplished of orators, well understood the operation of this principle in elevating the sentiments and exalting the principles of

the people in slaveholding States. I will conclude my remarks on this branch of the subject by reading a few passages from his speech "On moving his resolutions for conciliation with the Colonies," the 22d of March, 1775:—

"There is a circumstance attending these [the Southern] colonies which . . . makes the spirit of liberty still more high and haughty than in those to the northward. It is that in Virginia and the Carolinas they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there that freedom, as in countries where it is a common blessing and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks amongst them like something that is more noble and liberal. I do not mean, sir, to commend the superior morality of this sentiment, which has at least as much pride as virtue in it: but I cannot alter the nature of man. The fact is so, and these people of the Southern colonies are much more strongly, and with a higher and more stubborn spirit, attached to liberty than those to the northward. Such were all the ancient commonwealths: such were our Gothic ancestors: such in our days were the Poles: and such will be all masters of slaves who are not slaves themselves. In such a people the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible."¹

¹ From Burke's speech on Conciliation with the Colonies, March 22, 1775. (See *Riverside Literature Series*, No. 100, p. 25.)

In the course of my former remarks,¹ Mr. President, I took occasion to deprecate, as one of the greatest evils, *the consolidation of this government*. The gentleman takes alarm at the sound. "Consolidation," like the tariff, grates upon his ear. He tells us "we have heard much of late about consolidation; that it is the rallying word for all who are endeavoring to weaken the Union by adding to the power of the States." But consolidation (says the gentleman) was the very object for which the Union was formed; and, in support of that opinion, he read a passage from the address of the President of the Convention to Congress, which he assumes to be an authority on his side of the question. But, sir, the gentleman is mistaken. The object of the framers of the Constitution, as disclosed in that address, was not the consolidation of the government, but "the consolidation of the Union." It was not to draw power from the States in order to transfer it to a great national government, but, in the language of the Constitution itself, "to form a more perfect Union," — and by what means? By "establishing justice, promoting domestic tranquillity, and securing the blessings of liberty to ourselves and our posterity." This is the true reading of the Constitution. But, according to the gentleman's reading, the object of the Constitution was to consolidate the government, and the means would seem to be, the promotion of injustice, causing domestic discord, and depriving the States and the people of "the blessings of liberty" forever.

¹ It is possible that at this point Mr. Hayne took up his speech on January 25, where he had left it on the 21st; the *National Intelligencer* makes this division in its issues of February 15 and 16, in which the entire speech is printed.

The gentleman boasts of belonging to the party of National Republicans. National Republicans! A new name, sir, for a very old thing. The National Republicans of the present day were the Federalists of '98, who became Federal Republicans during the War of 1812, and were manufactured into National Republicans somewhere about the year 1825. As a party (by whatever name distinguished) they have always been animated by the same principles, and have kept steadily in view a common object, the consolidation of the government. Sir, the party to which I am proud of having belonged, from the very commencement of my political life to the present day, were the Democrats of '98 (Anarchists, Anti-Federalists, Revolutionists, I think they were sometimes called). They assumed the name of Democratic Republicans in 1812,¹ and have retained their name and principles up to the present hour. True to their political faith, they have always, as a party, been in favor of limitations of power; they have insisted that all powers not delegated to the federal government are reserved, and have been constantly struggling, as they now are, to preserve the rights of the States, and to prevent them from being drawn into the vortex, and swallowed up by one great consolidated government.

Sir, any one acquainted with the history of parties in this country will recognize in the points now in dispute between the Senator from Massachusetts and myself the very grounds which have, from the beginning, divided the two great parties in this country,

¹ "About this time [1792, the Anti-Federalists] adopted the name Democratic-Republican. . . . This has always been the official party title." (Johnston's *History of American Politics*.)

and which (call those parties by what names you will, and amalgamate them as you may) will divide them forever. The true distinction between these parties is laid down in a celebrated manifesto, issued by the Convention of the Federalists of Massachusetts, assembled in Boston in February, 1824, on the occasion of organizing a party opposition to the reelection of Governor Eustis.¹ The gentleman will recognize this as “the canonical book of political scripture;” and it instructs us that, “when the American Colonies redeemed themselves from British bondage, and became so many independent nations, they proposed to form a national Union (not a federal Union, sir, but a national Union). Those who were in favor of a union of the States in this form became known by the name of Federalists; those who wanted no union of the States, or disliked the proposed form of union, became known by the name of Anti-Federalists. By means which need not be enumerated, the Anti-Federalists became (after the expiration of twelve years) our national rulers, and for a period of sixteen years, until the close of Mr. Madison’s administration in 1817, continued to exercise the exclusive direction of our public affairs.” Here, sir, is the true history of the origin, rise, and progress of the party of National Republicans, who date back to the very origin of the government, and who then, as now, chose to consider the Constitution as having created not a federal but a national Union; who regarded “consolidation” as no evil, and who doubtless consider it a “consummation

¹ William Eustis was elected Governor of Massachusetts in 1823 as the candidate of the Democratic-Republican party. Practically, the Federalist party at the time of his election had ceased to exist.

devoutly to be wished" to build up a great "central government," "one and indivisible." Sir, there have existed in every age and every country two distinct orders of men,—the lovers of freedom, and the devoted advocates of power.

The same great leading principles, modified only by peculiarities of manners, habits, and institutions, divided parties in the ancient republics, animated the Whigs and Tories of Great Britain, distinguished in our own times the Liberals and Ultras of France, and may be traced even in the bloody struggles of unhappy Spain. Sir, when the gallant Riego,¹ who devoted himself and all that he possessed to the liberties of his country, was dragged to the scaffold, followed by the tears and lamentations of every lover of freedom throughout the world, he perished amid the deafening cries of "Long live the absolute king!" The people whom I represent, Mr. President, are the descendants of those who brought with them to this country, as the most precious of their possessions, "an ardent love of liberty;" and while that shall be preserved, they will always be found manfully struggling against the consolidation of the government AS THE WORST OF EVILS.

The Senator from Massachusetts, in alluding to the tariff, becomes quite facetious. He tells us that "he hears of nothing but tariff, tariff, tariff: and, if a word could be found to rhyme with it, he presumes it would be celebrated in verse and set to music." Sir, perhaps the gentleman, in mockery of our complaints, may be himself disposed to sing the praises of the tariff, in doggerel verse, to the tune of "Old Hun-

¹ Riego was executed as a traitor in 1823. He had fought against Napoleon, and led the revolt in southern Spain in 1809.

dred." I am not at all surprised, however, at the aversion of the gentleman to the very name of tariff. I doubt not that it must always bring up some very unpleasant recollections to his mind. If I am not greatly mistaken, the Senator from Massachusetts was a leading actor at a great meeting got up in Boston in 1820 against the tariff. It has generally been supposed that he drew up the resolutions adopted by that meeting, denouncing the tariff system as unequal, oppressive, and unjust, and, if I am not much mistaken, denying its constitutionality. Certain it is that the gentleman made a speech on that occasion in support of those resolutions, denouncing the system in no very measured terms, and, if my memory serves me, calling its constitutionality in question. I regret that I have not been able to lay my hands on those proceedings: but I have seen them, and cannot be mistaken in their character. At that time, sir, the Senator from Massachusetts entertained the very sentiments in relation to the tariff which the South now entertains. We next find the Senator from Massachusetts expressing his opinion on the tariff as a member of the House of Representatives from the city of Boston, in 1824. On that occasion, sir, the gentleman assumed a position which commanded the respect and admiration of his country. He stood forth the powerful and fearless champion of free trade. He met, in that conflict, the advocates of restriction and monopoly, and they "fled from before his face." With a profound sagacity, a fullness of knowledge, and a richness of illustration that have never been surpassed, he maintained and established the principles of commercial freedom on a foundation never to be shaken. Great indeed was the victory achieved by the gentle-

man on that occasion ; most striking the contrast between the clear, forcible, and convincing arguments by which he carried away the understandings of his hearers, and the narrow views and wretched sophistry of another distinguished orator, who may be truly said to have held up his “farthing candle to the sun.”¹

Sir, the Senator from Massachusetts, on that, the proudest day of his life, like a mighty giant, bore away upon his shoulders the pillars of the temple of error and delusion, escaping himself unhurt, and leaving his adversaries overwhelmed in its ruins. Then it was that he erected to free trade a beautiful and enduring monument, and “inscribed the marble with his name.” Mr. President, it is with pain and regret that I now go forward to the next great era in the political life of that gentleman, when he was found on this floor supporting, advocating, and finally voting for the Tariff of 1828,—that “bill of abominations.”² By that act, sir, the Senator from Massachusetts has destroyed the labors of his whole life, and given a wound to the cause of free trade never to be healed. Sir, when I recollect the position which the gentleman once occupied, and that which he now holds in public estimation, in relation to this subject, it is not at all surprising that the tariff should be hateful to his ears. Sir, if I had erected to my own fame so proud a monument as that which the gentleman built up in 1824,

¹ Young's *Love of Fame*, Satire VII.

² The Tariff of 1828, called the Tariff of Abominations, because of the excessive duties, particularly on wool (70 per cent) and hemp (\$60 a ton). Its purpose was twofold,—to aid Western growers and to aim a blow at Adams. Of this tariff John Randolph said : “The bill referred to manufactures of no sort or kind except the manufacture of a President of the United States.”

and I could have been tempted to destroy it with my own hands, I should hate the voice that should ring "the accursed tariff" in my ears. I doubt not the gentleman feels very much, in relation to the tariff, as a certain knight did to "instinct," and with him would be disposed to exclaim,

"Ah, no more of that, Hal, an thou lovest me!"¹

But, Mr. President, to be serious, what are we of the South to think of what we have heard this day? The Senator from Massachusetts tells us that the tariff is not an Eastern measure, and treats it as if the East had no interest in it. The Senator from Missouri insists it is not a Western measure, and that it has done no good to the West. The South comes in, and, in the most earnest manner, represents to you that this measure, which we are told "is of no value to the East or the West," is "utterly destructive of our interests." We represent to you that it has spread ruin and devastation through the land, and prostrated our hopes in the dust. We solemnly declare that we believe the system to be wholly unconstitutional, and a violation of the compact between the States and the Union: and our brethren turn a deaf ear to our complaints, and refuse to relieve us from a system "which not enriches them, but makes us poor indeed." Good God! Mr. President, has it come to this? Do gentlemen hold the feelings and wishes of their brethren at so cheap a rate that they refuse to gratify them at so small a price? Do gentlemen value so lightly the peace and harmony of the country that they will not yield a measure of this description to the affectionate entreaties and earnest remonstrances of their friends? Do gentlemen estimate the value of the Union at so

¹ See Shakespeare's *Henry IV.*, First Part, act ii. scene 4.

low a price that they will not even make one effort to bind the States together with the cords of affection? And has it come to this? Is this the spirit in which this government is to be administered? If so, let me tell gentlemen, the seeds of dissolution are already sown, and our children will reap the bitter fruit.

The honorable gentleman from Massachusetts [Mr. Webster], while he exonerates me personally from the charge, intimates that there is a party in the country who are looking to disunion. Sir, if the gentleman had stopped there, the accusation would have "passed by me as the idle wind, which I regard not."¹ But when he goes on to give to his accusation a local habitation and a name by quoting the expression of a distinguished citizen of South Carolina [Dr. Cooper], "that it was time for the South to calculate the value of the Union," and in the language of the bitterest sarcasm adds, "Surely, then, the Union cannot last longer than July, 1831," it is impossible to mistake either the allusion or the object of the gentleman. Now, Mr. President, I call upon every one who hears me to bear witness that this controversy is not of my seeking. The Senate will do me the justice to remember that, at the time this unprovoked and uncalled-for attack was made upon the South, not one word had been uttered by me in disparagement of New England: nor had I made the most distant allusion either to the Senator from Massachusetts or the State he represents. But, sir, that gentleman has thought proper, for purposes best known to himself, to strike the South, through me, the most unworthy of her servants. He has crossed the border, he has invaded the

¹ An inexact quotation from Shakespeare's *Julius Cæsar*, act iv. scene 3.

State of South Carolina, is making war upon her citizens, and endeavoring to overthrow her principles and her institutions. Sir, when the gentleman provokes me to such a conflict, I meet him at the threshold: I will struggle, while I have life, for our altars and our firesides; and, if God gives me strength, I will drive back the invader discomfited. Nor shall I stop there. If the gentleman provokes the war, he shall have war. Sir, I will not stop at the border: I will carry the war into the enemy's territory, and not consent to lay down my arms until I shall have obtained "indemnity for the past and security for the future." It is with unfeigned reluctance, Mr. President, that I enter upon the performance of this part of my duty: I shrink almost instinctively from a course, however necessary, which may have a tendency to excite sectional feelings and sectional jealousies. But, sir, the task has been forced upon me: and I proceed right onward to the performance of my duty. Be the consequences what they may, the responsibility is with those who have imposed upon me this necessity. The Senator from Massachusetts has thought proper to cast the first stone; and if he shall find, according to a homely adage, that "he lives in a glass house," on his head be the consequences. The gentleman has made a great flourish about his fidelity to Massachusetts. I shall make no professions of zeal for the interests and honor of South Carolina: of that my constituents shall judge. If there be one State in the Union, Mr. President (and I say it not in a boastful spirit), that may challenge comparison with any other for a uniform, zealous, ardent, and uncalculating devotion to the Union, that State is South Carolina. Sir, from the very commencement of the Revolution up to this hour,

there is no sacrifice, however great, she has not cheerfully made, no service she has ever hesitated to perform. She has adhered to you in your prosperity ; but in your adversity she has clung to you with more than filial affection. No matter what was the condition of her domestic affairs, though deprived of her resources, divided by parties, or surrounded with difficulties, the call of the country has been to her as the voice of God. Domestic discord ceased at the sound ; every man became at once reconciled to his brethren, and the sons of Carolina were all seen crowding together to the temple, bringing their gifts to the altar of their common country.

What, sir, was the conduct of the South during the Revolution ? Sir, I honor New England for her conduct in that glorious struggle. But great as is the praise which belongs to her, I think at least equal honor is due to the South. They espoused the quarrel of their brethren with a generous zeal, which did not suffer them to stop to calculate their interest in the dispute. Favorites of the mother country, possessed of neither ships nor seamen to create a commercial rivalry, they might have found in their situation a guaranty that their trade would be forever fostered and protected by Great Britain. But, trampling on all considerations either of interest or of safety, they rushed into the conflict, and, fighting for principle, periled all in the sacred cause of freedom. Never were there exhibited in the history of the world higher examples of noble daring, dreadful suffering, and heroic endurance than by the Whigs of Carolina during the Revolution. The whole State, from the mountains to the sea, was overrun by an overwhelming force of the enemy. The fruits of industry perished on the

spot where they were produced, or were consumed by the foe. The "plains of Carolina" drank up the most precious blood of her citizens. Black and smoking ruins marked the places where had been the habitations of her children. Driven from their homes into the gloomy and almost impenetrable swamps, even there the spirit of liberty survived, and South Carolina (sustained by the example of her Sumters¹ and her Marions²) proved by her conduct that, though her soil might be overrun, the spirit of her people was invincible.

But, sir, our country was soon called upon to engage in another revolutionary struggle, and that too was a struggle for principle. I mean the political revolution which dates back to '98,³ and which, if it had not been successfully achieved, would have left us none of the fruits of the Revolution of '76. The revolution of '98 restored the Constitution, rescued the liberty of the citizen from the grasp of those who were aiming at its life, and, in the emphatic language of Mr. Jefferson, "saved the Constitution at its last gasp." And by whom was it achieved? By the South, sir, aided only by the democracy of the North and West.

¹ Thomas Sumter, an American general, was active in the Southern campaigns during the Revolution. He had two severe encounters with Colonel Tarleton, in which he was once successful and once defeated.

² Francis Marion, a colonel during the American Revolution, was conspicuous in the manœuvres around Charleston, and afterwards organized a brigade famous for the swiftness of its movements.

³ The reference is to the revolt against the Alien and Sedition laws, which expressed itself through the Kentucky and Virginia Resolutions of 1798, and resulted in the defeat of the Federalist party and the election of Jefferson in 1801.

I come now to the War of 1812, a war which I well remember was called in derision (while its event was doubtful) the Southern war, and sometimes the Carolina war, but which is now universally acknowledged to have done more for the honor and prosperity of the country than all other events in our history put together. What, sir, were the objects of that war? "Free trade and sailors' rights!" It was for the protection of Northern shipping and New England seamen that the country flew to arms. What interest had the South in that contest? If they had sat down coolly to calculate the value of their interests involved in it, they would have found that they had everything to lose and nothing to gain. But, sir, with that generous devotion to country so characteristic of the South, they only asked if the rights of any portion of their fellow citizens had been invaded; and when told that Northern ships and New England seamen had been arrested on the common highway of nations, they felt that the honor of their country was assailed; and, acting on that exalted sentiment "which feels a stain like a wound," they resolved to seek, in open war, for a redress of those injuries which it did not become freemen to endure. Sir, the whole South, animated as by a common impulse, cordially united in declaring and promoting that war. South Carolina sent to your councils, as the advocates and supporters of that war, the noblest of her sons. How they fulfilled that trust, let a grateful country tell. Not a measure was adopted, not a battle fought, not a victory won, which contributed in any degree to the success of that war, to which Southern councils and Southern valor did not largely contribute. Sir, since South Carolina is assailed, I must be suffered to speak

it to her praise that, at the very moment when in one quarter we heard it solemnly proclaimed "that it did not become a religious and moral people to rejoice at the victories of our army or our navy," her Legislature unanimously

"*Resolved*, That we will cordially support the government in the vigorous prosecution of the war until a peace can be obtained on honorable terms, and we will cheerfully submit to every privation that may be required of us by our government for the accomplishment of this object."

South Carolina redeemed that pledge. She threw open her treasury to the government. She put at the absolute disposal of the officers of the United States all that she possessed, — her men, her money, and her arms. She appropriated half a million of dollars, on her own account, in defense of her maritime frontier: ordered a brigade of State troops to be raised: and, when left to protect herself by her own means, never suffered the enemy to touch her soil without being instantly driven off or captured.

Such, sir, was the conduct of the South — such the conduct of my own State — in that dark hour "which tried men's souls."

When I look back and contemplate the spectacle exhibited at that time in another quarter of the Union, when I think of the conduct of certain portions of New England, and remember the part which was acted on that memorable occasion by the political associates of the gentleman from Massachusetts, — nay, when I follow that gentleman into the councils of the nation, and listen to his voice during the darkest period of the war, — I am indeed astonished that he should venture to touch upon the topics which he

has introduced into this debate. South Carolina reproached by Massachusetts! And from whom does the accusation come? Not from the democracy of New England; for they have been in times past, as they are now, the friends and allies of the South. No, sir, the accusation comes from that party whose acts during the most trying and eventful period of our national history were of such a character that their own Legislature, but a few years ago, actually blotted them out from their records as a stain upon the honor of the country. But how can they ever be blotted out from the recollection of any one who had a heart to feel, a mind to comprehend, and a memory to retain the events of that day? Sir, I shall not attempt to write the history of the party in New England to which I have alluded, — the war party in peace, and the peace party in war. That task I shall leave to some future biographer of Nathan Dane, and I doubt not it will be found quite easy to prove that the peace party of Massachusetts were the only defenders of their country during the war, and actually achieved all our victories by land and sea. In the meantime, sir, and until that history shall be written, I propose, with the feeble and glimmering lights which I possess, to review the conduct of this party, in connection with the war and the events which immediately preceded it.

It will be recollected, sir, that our great causes of quarrel with Great Britain were her depredations on Northern commerce, and the impressment of New England's seamen. From every quarter we are called upon for protection. Importunate as the West is now represented to be on another subject, the importunity of the East on that occasion was far greater. I hold

in my hands the evidence of the fact. Here are petitions, memorials, and remonstrances from all parts of New England, setting forth the injustice, the oppressions, the depredations, the insults, the outrages committed by Great Britain against the unoffending commerce and seamen of New England, and calling upon Congress for redress. Sir, I cannot stop to read these memorials. In that from Boston, after stating the alarming and extensive condemnation of our vessels by Great Britain which threatened "to sweep our commerce from the face of the ocean," and "to involve our merchants in bankruptcy," they call upon the government "to assert our rights, and to adopt such measures as will support the dignity and honor of the United States."

From Salem we heard a language still more decisive; they call explicitly for "an appeal to arms," and pledge their lives and property in support of any measures which Congress might adopt. From Newburyport an appeal was made "to the firmness and justice of the government to obtain compensation and protection." It was here, I think, that, when the war was declared, it was resolved "to resist our own government even unto blood." (Olive Branch, page 101.)

In other quarters the common language of that day was that our commerce and our seamen were entitled to protection, and that it was the duty of the government to afford it at every hazard. The conduct of Great Britain, we were then told, was "an outrage upon our National Independence." These clamors, which commenced as early as January, 1806, were continued up to 1812. In a message from the governor of one of the New England States,¹ as late

¹ Roger Griswold, Governor of Connecticut.

as the 10th of October, 1811, this language is held :
“ A manly and decisive course has become indispensable ; a course to satisfy foreign nations that, while we desire peace, we have the means and the spirit to repel aggression. We are false to ourselves when our commerce or our territory is invaded with impunity.”

About this time, however, a remarkable change was observable in the tone and temper of those who had been endeavoring to force the country into a war. The language of complaint was changed into that of insult, and calls for protection converted into reproaches. “ Smoke, smoke ! ” says one writer :¹ “ my life on it, our Executive have no more idea of declaring war than my grandmother.” “ The Committee of Ways and Means,” says another, “ have come out with their Pandora’s Box² of taxes, and yet nobody dreams of war.” “ Congress do not mean to declare war ; they dare not.” But why multiply examples ? An honorable member of the other House, from the city of Boston (Mr. Quincy³), in a speech delivered on the 3d of April, 1812, says, “ Neither promises, nor threats, nor asseverations, nor oaths will make me believe that you will go to war.

¹ In the (Boston) *Repertory*, January 9, 1810.

² Pandora (all-gifted), the wife of Epimethens, brother of Prometheus. Out of curiosity she opened a box and loosed therefrom the evils henceforth to afflict the human race, retaining only Hope. According to the Greeks, she was the first woman ; her resemblance to Eve is obvious.

³ Josiah Quincy (1772–1864) was Mayor of Boston from 1823 to 1828, his conspicuous services in that office causing him to be remembered as the “ Great Mayor.” From 1829 to 1845 he was President of Harvard College. His Life by his son Edmund is one of the worthiest of American biographies.

The navigation States are sacrificed, and the spirit and character of the country prostrated by fear and avarice." "You cannot," said the same gentleman on another occasion, "be kicked into a war."

Well, sir, the war at length came, and what did we behold? The very men who had been for six years clamorous for war, and for whose protection it was waged, became at once equally clamorous against it. They had received a miraculous visitation: a new light suddenly beamed upon their minds, the scales fell from their eyes, and it was discovered that the war was declared from "subserviency to France," and that Congress and the Executive "had sold themselves to Napoleon;" that Great Britain had in fact "done us no essential injury;" that she was "the bulwark of our religion;" that where "she took one of our ships, she protected twenty;" and that, if Great Britain had impressed a few of our seamen, it was because "she could not distinguish them from her own." And so far did this spirit extend that a committee of the Massachusetts Legislature actually fell to calculation, and discovered, to their infinite satisfaction, but to the astonishment of all the world beside, that only eleven Massachusetts sailors had ever been impressed. Never shall I forget the appeals that had been made to the sympathies of the South in behalf of the "thousands of impressed Americans" who had been torn from their families and friends, and "immured in the floating dungeons of Britain." The most touching pictures were drawn of the hard condition of the American sailor, "treated like a slave," forced to fight the battles of his enemy, "lashed to the mast to be shot at like a dog." But, sir, the very moment we had taken up arms in their defense, it was

discovered that all these were mere "fictions of the brain;" and that the whole number in the State of Massachusetts was but eleven, and that even these had been "taken by mistake." Wonderful discovery! The Secretary of State had collected authentic lists of no less than six thousand impressed Americans. Lord Castlereagh¹ himself acknowledged sixteen hundred. Calculations on the basis of the number found on board of the *Guerrière*, the *Macedonian*, the *Java*, and other British ships (captured by the skill and gallantry of those heroes whose achievements are the treasured monuments of their country's glory), fixed the number at seven thousand; and yet it seems Massachusetts had lost but eleven! Eleven Massachusetts sailors taken by mistake! A cause of war indeed! Their ships, too, the capture of which had threatened "universal bankruptcy:" it was discovered that Great Britain was their friend and protector: "where she had taken one, she had protected twenty!" Then was the discovery made that subserviency to France, hostility to commerce, "a determination on the part of the South and the West to break down the Eastern States," and especially (as reported by a committee of the Massachusetts Legislature) "to force the sons of commerce to populate the wilderness," were the true causes of the war. (*Olive Branch*, pages 134, 291.)

But let us look a little farther into the conduct of the Peace party of New England at that important

¹ Robert Stewart, Viscount Castlereagh, afterwards second Marquis of Londonderry, was Secretary for War from 1807 to 1809, when occurred his duel with George Canning. From 1812 to his death, which he inflicted upon himself, he was Secretary for Foreign Affairs.

crisis. Whatever difference of opinion might have existed as to the causes of the war, the country had a right to expect that, when once involved in the contest, all America would have cordially united in its support. Sir, the war effected in its progress a union of all parties at the South. But not so in New England: there great efforts were made to stir up the minds of the people to oppose it. Nothing was left undone to embarrass the financial operations of the government, to prevent the enlistment of troops, to keep back the men and money of New England from the service of the Union, to force the President from his seat. Yes, sir, "the Island of Elba or a halter!" were the alternatives they presented to the excellent and venerable James Madison. Sir, the war was further opposed by openly carrying on illicit trade with the enemy, by permitting that enemy to establish herself on the very soil of Massachusetts, and by opening a free trade between Great Britain and America, with a separate custom-house:—yes, sir, those who cannot endure the thought that we should insist on a free trade in time of profound peace could, without scruple, claim and exercise the right of carrying on a free trade with the enemy in a time of war:—and finally by getting up the renowned "Hartford Convention," and preparing the way for an open resistance to the government and a separation of the States. Sir, if I am asked for the proof of those things, I fearlessly appeal to contemporary history, to the public documents of the country, to the recorded opinion and acts of public assemblies, to the declaration and acknowledgments, since made, of the Executive and Legislature of Massachusetts herself.¹

¹ "In answer to an address of Governor Eustis, denouncing

Sir, the time has not been allowed me to trace this subject through, even if I had been disposed to do so. But I cannot refrain from referring to one or two documents which have fallen in my way since this debate began. I read, sir, from the "Olive Branch" of Mathew Carey, in which are collected "the actings and doings" of the Peace party of New England, during the continuance of the embargo and the war. I know the Senator from Massachusetts will respect the high authority of his political friend and fellow laborer in the great cause of "domestic industry."

the conduct of the Peace party during the war, the House of Representatives of Massachusetts, in June, 1823, say: 'The change of the political sentiment, evinced in the late elections, forms indeed a new era in the history of our Commonwealth. It is the triumph of reason over passion, of patriotism over party spirit. Massachusetts has returned to her first love, and is no longer a stranger in the Union. We rejoice that though, during the last war, such measures were adopted in this State as occasioned a double sacrifice of treasure and of life, covered the friends of the nation with humiliation and mourning, and fixed a stain on the page of our history, a redeeming spirit has at length arisen to take away our reproach and restore to us our good name, our rank among our sister States, and our just influence in the Union.

"Though we would not renew contentions, or irritate wantonly, we believe that there are cases when it is necessary we should "wound to heal." And we consider it among the first duties of the friends of our national government, on this return of power, to disavow the unwarrantable course pursued by this State during the late war, and to hold up the measures of that period as beacons, that the present and succeeding generations may shun that career which must inevitably terminate in the destruction of the individual or party who pursues it; and may learn the important lesson that, in all times, the path of duty is the path of safety, and that it is never dangerous to rally round the standard of our country.'" (Note in the earlier editions of Hayne's Speech.)

In page 301 et seq. 309 of this work is a detailed account of the measures adopted in Massachusetts during the war, for the express purpose of embarrassing the financial operations of the government, by preventing loans, and thereby driving our rulers from their seats, and forcing the country into a dishonorable peace. It appears that the Boston banks commenced an operation by which a run was to be made upon all the banks at the South, at the same time stopping their own discounts, the effect of which was to produce a sudden and most alarming diminution of the circulating medium, and universal distress over the whole country, a distress which they failed not to attribute to the "unholy war."

To such an extent was this system carried that it appears, from a statement of the condition of the Boston banks made up in January, 1814, that with nearly \$5,000,000 of specie in their vaults they had but \$2,000,000 of bills in circulation. It is added by Carey that at this very time an extensive trade was carried on in British government bills, for which specie was sent to Canada for the payment of the British troops, then laying waste our Northern frontier; and this, too, at the very moment when New England ships, sailing under British licenses (a trade declared to be lawful by the courts both of Great Britain and Massachusetts), were supplying with provisions those very armies destined for the invasion of our own shores. Sir, the author of the "Olive Branch," with a holy indignation, denounces these acts as "treasonable:" "giving aid and comfort to the enemy." I shall not follow his example. But I will ask, With what justice or propriety can the South be accused of disloyalty from that quarter? If we had

any evidence that the Senator from Massachusetts had admonished his brethren then, he might with a better grace assume the office of admonishing us now.

When I look at the measures adopted in Boston at that day to deprive the government of the necessary means for carrying on the war, and think of the success and the consequences of these measures, I feel my pride as an American humbled in the dust. Hear, sir, the language of that day. I read from pages 301 and 302 of the "*Olive Branch*." "Let no man who wishes to continue the war, by active means, by vote, or lending money, dare to prostrate himself at the altar on the fast-day." "Will Federalists subscribe to the loan? Will they lend money to our national rulers? It is impossible, first because of principle, and secondly because of principle and interest." "Do not prevent the abusers of their trust from becoming bankrupt. Do not prevent them from becoming odious to the public, and being replaced by better men." "Any Federalist who lends money to government must go and shake hands with James Madison, and claim fellowship with Felix Grundy."¹ (I beg pardon of my honorable friend from Tennessee, but he is in good company. I had thought it was "James Madison, Felix Grundy, and the Devil.") "Let him no more call himself a Federalist, and a friend to his country, — he will be called by others infamous," etc.

Sir, the spirit of the people sunk under these ap-

¹ Felix Grundy (1777-1840), a celebrated criminal lawyer of Tennessee. He served in the House from 1811 to 1814, and in 1829 was elected to the Senate. He took part in the debate on Foote's Resolution, and is thought to have leaned favorably toward nullification. He was Attorney-General in Van Buren's Cabinet for a little more than a year, when he was again elected to the Senate.

peals. Such was the effect produced by them on the public mind that the very agents of the government (as appears from their public advertisements now before me) could not obtain loans without a pledge that "the names of the subscribers should not be known." Here are the advertisements: "The names of all subscribers" (say Gilbert and Dean, the brokers employed by government) "shall be known only to the undersigned." As if those who came forward to aid their country, in the hour of her utmost need, were engaged in some dark and foul conspiracy, they were assured "that their names should not be known." Can anything show more conclusively the unhappy state of public feeling which prevailed at that day than this single fact? Of the same character with these measures was the conduct of Massachusetts in withholding her militia from the service of the United States, and devising measures for withdrawing her quota of the taxes, thereby attempting, not merely to cripple the resources of the country, but actually depriving the government (so far as depended upon her) of all the means of carrying on the war, of the bone, and muscle, and sinews of war, "of man and steel, the soldier and his sword." But it seems Massachusetts was to reserve her resources for herself, — she was to defend and protect her own shores. And how was that duty performed? In some places on the coast neutrality was declared, and the enemy was suffered to invade the soil of Massachusetts, and allowed to occupy her territory until the peace, without one effort to rescue it from his grasp. Nay, more, — while our own government and our own rulers were considered as enemies, the troops of the enemy were treated like friends, — the most intimate commercial relations

were established with them, and maintained up to the peace. At this dark period of our national affairs where was the Senator from Massachusetts? How were his political associates employed? "Calculating the value of the Union?" Yes, sir, that was the propitious moment, when our country stood alone, the last hope of the world, struggling for existence against the colossal power of Great Britain, "concentrated in one mighty effort to crush us at a blow," — that was the chosen hour to revive the grand scheme of building up "a great Northern confederacy," — a scheme which, it is stated in the work before me, had its origin as far back as the year 1796, and which appears never to have been entirely abandoned.

In the language of the writers of that day (1796), "rather than have a Constitution such as the Anti-Federalists were contending for" (such as we now are contending for), "the Union ought to be dissolved;" and to prepare the way for that measure, the same methods were resorted to then that have always been relied on for that purpose, — exciting prejudice against the South. Yes, sir, our Northern brethren were then told "that if the negroes were good for food, their Southern masters would claim the right to destroy them at pleasure." (Olive Branch, page 267.) Sir, in 1814 all these topics were revived. Again we hear of "a Northern confederacy;" "the slave States by themselves;" "the mountains are the natural boundary;" we want neither "the counsels nor the power of the West," etc. The papers teemed with accusations against the South and the West, and the calls for a dissolution of all connection with them were loud and strong. I cannot consent to go through the disgusting details. But, to show the height to

which the spirit of disaffection was carried, I will take you to the temple of the living God, and show you that sacred place (which should be devoted to the extension of "peace on earth and good will towards men," where one day's truce ought surely to be allowed to the dissensions and animosities of mankind) converted into a fierce arena of political strife, where, from the lips of the priest standing between the horns of the altar, there went forth the most terrible denunciations against all who should be true to their country in the hour of her utmost need.

"If you do not wish," said a reverend clergyman¹ in a sermon preached in Boston on the 23d of July, 1812, "to become the slaves of those who own slaves, and who are themselves the slaves of French slaves, you must either, in the language of the day, CUT THE CONNECTION, or so far alter the national compact as to insure to yourselves a due share in the government." (*Olive Branch*, page 319.) "The Union," says the same writer (page 320), "has been long since virtually dissolved, and it is full time that this part of the disunited States should take care of itself."

Another reverend gentleman,² pastor of a church at Medford (page 321), issues his anathema, "Let him stand accursed," against all, all who, by their "personal services," or "loans of money," "conversations," or "writing," or "influence," give countenance or support to the unrighteous war, in the following terms: "That man is an accomplice in the wickedness, he loads his conscience with the blackest crimes, he brings the guilt of blood upon his soul, and in the sight of God and his law he is a murderer."

¹ The Rev. J. S. J. Gardiner, rector of Trinity Church.

² The Rev. David Osgood.

One or two more quotations, sir, and I shall have done. A reverend doctor of divinity, the pastor of a church at Byfield,¹ Massachusetts, on the 7th of April, 1814, thus addresses his flock (page 321): "The Israelites became weary of yielding the fruit of their labor to pamper their splendid tyrants. They left their political woes. They separated. Where is our Moses? Where the rod of his miracles? Where is our Aaron? Alas! no voice from the burning bush has directed them here." "We must trample on the mandates of despotism, or remain slaves forever" (page 322). "You must drag the chains of Virginian despotism, unless you discover some other mode of escape." "Those Western States which have been violent for this abominable war, those States which have thirsted for blood, God has given them blood to drink" (page 323). Mr. President, I can go no further. The records of the day are full of such sentiments, issued from the press, spoken in public assemblies, poured out from the sacred desk. God forbid, sir, that I should charge the people of Massachusetts with participating in these sentiments. The South and the West had there their friends, — men who stood by their country, though encompassed all around by their enemies. The Senator from Massachusetts [Mr. Silsbee]² was one of them; the Senator from Connecticut [Mr. Foote] was another; and there are others now on this floor. The sentiments I have read were the sentiments of a party embracing the political associates of the gentleman

¹ The Rev. Elijah Parish.

² Nathaniel Silsbee was a member of the national House of Representatives from 1817 to 1821, and of the United States Senate from 1826 to 1835. During most of this time he was the colleague of Mr. Webster, who was elected in 1827.

from Massachusetts. If they could only be found in the columns of a newspaper, in a few occasional pamphlets, issued by men of intemperate feeling, I should not consider them as affording any evidence of the opinions even of the Peace party of New England. But, sir, they were the common language of that day; they pervaded the whole land: they were issued from the legislative hall, from the pulpit, and the press. Our books are full of them; and there is no man who now hears me but knows that they were the sentiments of a party by whose members they were promulgated. Indeed, no evidence of this would seem to be required beyond the fact that such sentiments found their way even into the pulpits of New England. What must be the state of public opinion where any respectable clergyman would venture to preach and to print sermons containing the sentiments I have quoted? I doubt not the piety or moral worth of these gentlemen. I am told they were respectable and pious men. But they were men, and they “kindled in a common blaze.” And now, sir, I must be suffered to remark that, at this awful and melancholy period of our national history, the gentleman from Massachusetts, who now manifests so great a devotion to the Union, and so much anxiety lest it should be endangered from the South, was “with his brethren in Israel.” He saw all these things passing before his eyes,—he heard these sentiments uttered all around him. I do not charge that gentleman with any participation in these acts, or with approving of these sentiments.

But I will ask, why if he was animated by the same sentiments then which he now professes, if he can “augur disunion at a distance, and snuff up rebellion

in every tainted breeze," why did he not, at that day, exert his great talents and acknowledged influence with the political associates by whom he was surrounded,¹ and who then, as now, looked up to him for guidance and direction, in allaying this general excitement, in pointing out to his deluded friends the value of the Union, in instructing them that, instead of looking "to some prophet to lead them out from the land of Egypt," they should become reconciled to their brethren, and unite with them in the support of a just and necessary war? Sir, the gentleman must excuse me for saying that, if the records of our country afforded any evidence that he had pursued such a course, then, if we could find it recorded in the history of those times that, like the immortal Dexter,² he had breasted that mighty torrent which was sweeping before it all that was great and valuable in our political institutions; if like him he had stood by his country in opposition to his party,—sir, we would, like little children, listen to his precepts, and abide by his counsels.

As soon as the public mind was sufficiently prepared for the measure, the celebrated Hartford Convention was got up: not as the act of a few unauthorized individuals, but by authority of the Legislature of Massachusetts, and, as has been shown by the able historian of that convention, in accordance with the views and wishes of the party of

¹ "He [Webster] discountenanced the measures which led to the Hartford Convention, and he helped to keep New Hampshire out of that movement." Lodge's *Daniel Webster*, p. 58 (American Statesmen Series)

² Samuel Dexter (1761–1816); at first a strong Federalist, he supported the Republicans in the war policy of 1812, and was their nominee for Governor of Massachusetts in 1816.

which it was the organ. Now, sir, I do not desire to call in question the motives of the gentlemen who composed that assembly. I knew many of them to be in private life accomplished and honorable men, and I doubt not there were some among them who did not perceive the dangerous tendency of their proceedings. I will even go further, and say that if the authors of the Hartford Convention believed that "gross, deliberate, and palpable violations of the Constitution" had taken place, utterly destructive of their rights and interests, I should be the last man to deny their right to resort to any constitutional measures for redress. But, sir, in any view of the case, the time when and the circumstances under which that convention assembled, as well as the measures recommended, render their conduct, in my opinion, wholly indefensible. Let us contemplate, for a moment, the spectacle then exhibited to the view of the world. I will not go over the disasters of the war, nor describe the difficulties in which the government was involved. It will be recollected that its credit was nearly gone, Washington had fallen, the whole coast was blockaded, and an immense force, collected in the West Indies, was about to make a descent which it was supposed we had no means of resisting. In this awful state of our public affairs, when the government seemed almost to be tottering on its base, when Great Britain, relieved from all her other enemies, had proclaimed her purpose of "reducing us to unconditional submission," we beheld the Peace party of New England (in the language of the work before us) pursuing a course calculated to do more injury to their country, "and to render England more effective service than all her armies." Those who could not find

it in their hearts to rejoice at our victories sang *Te Deum* at the King's Chapel in Boston for the restoration of the Bourbons. Those who could not consent to illuminate their dwellings for the capture of the *Guerrière* could give visible tokens of their joy at the fall of Detroit. The "beacon fires" of their hills were lighted up, not for the encouragement of their friends, but as signals to the enemy; and in the gloomy hours of midnight the very lights burned blue. Such were the dark and portentous signs of the times which ushered into being the renowned Hartford Convention. That convention met, and from their proceedings it appears that their chief object was to keep back the men and money of New England from the service of the Union, and to effect radical changes in the government, — changes that can never be effected without a dissolution of the Union.

Let us now, sir, look at their proceedings. I read from "A Short Account of the Hartford Convention" (written by one of its members¹), a very rare book, of which I was fortunate enough, a few years ago, to obtain a copy. [Here Mr. Hayne read from the proceedings.²]

¹ Theodore Lyman, Jr., 1792–1849.

² "It appears, at page 6 of the *Account*, that by a vote of the House of Representatives of Massachusetts (260 to 90), delegates to this Convention were ordered to be appointed, to consult upon the subject 'of their public grievances and concerns,' and upon 'the best means of preserving their resources,' and for procuring a revision of the Constitution of the United States, 'more effectually to secure the support and attachment of all the people by placing all upon the basis of fair representation.'

"The Convention assembled at Hartford on the 15th of December, 1814. On the next day it was

'Resolved, That the most inviolable secrecy shall be observed by each member of this Convention, including the Secretary, as

It is unnecessary to trace the matter further, or to ask what would have been the next chapter in this to all propositions, debates, and proceedings thereof, until this injunction shall be suspended or altered.'

"On the 24th of December, the committee appointed to prepare and report a general project of such measures as it may be proper for the Convention to adopt, reported, among other things :—

1. 'That it was expedient to recommend to the legislatures of the States the adoption of the most effectual and decisive measures to protect the militia of the States from the usurpations contained in these proceedings [the proceedings of Congress and the Executive in relation to the militia and the war].

2. 'That it was expedient also to prepare a statement exhibiting the necessity which the improvidence and inability of the general government have imposed upon the States of providing for their own defense, and the impossibility of their discharging this duty and at the same time fulfilling the requisitions of the general government; and also to recommend to the legislatures of the several States to make provision for mutual defense, and to make an earnest application to the government of the United States with a view to some arrangement whereby the States may be enabled to retain a portion of the taxes levied by Congress for the purposes of self-defense, and for the reimbursement of expenses already incurred on account of the United States.

3. 'That it is expedient to recommend to the several State legislatures certain amendments to the Constitution, viz. :—

'That the power to declare or make war by the Congress of the United States be restricted.

'That it is expedient to attempt to make provision for restraining Congress in the exercise of an unlimited power to make new States and admit them into the Union.

'That an amendment be proposed respecting slave representation and slave taxation.'

"On the 29th December, 1814, it was proposed 'that the capacity of naturalized citizens to hold offices of trust, honor, or profit ought to be restrained,' etc.

"The subsequent proceedings are not given at large. But it seems that the report of the committee was adopted, and also a

history if the measures recommended had been carried into effect ; and if, with the men and money of New England withheld from the government of the United States, she had been withdrawn from the war ; if New Orleans had fallen into the hands of the enemy ; and if, without troops and almost destitute of money, the Southern and the Western States had been thrown upon their own resources for the prosecution of the war and the recovery of New Orleans. Sir, whatever may have been the issue of the contest, the Union must have been dissolved. But a wise and just Providence, which “ shapes our ends, rough-hew them how we will,”¹ gave us the victory, and crowned our efforts with a glorious peace. The Ambassadors of Hartford² were seen retracing their steps from Washington, “ the bearers of the glad tidings of great joy.” Courage and patriotism triumphed : the country was saved ; the Union was preserved. And are we, Mr. President, who stood by our country then, who threw open our coffers, who bared our bosoms, who freely periled all in that conflict, to be reproached with want of attachment to the Union ? If, sir, we

recommendation of certain measures (of the character of which we are not informed) to the States for their mutual defense ; and having voted ‘ that the injunction of secrecy in regard to all the debates and proceedings of the Convention (except so far as relates to the Report finally adopted) be continued,’ the Convention adjourned sine die, but (as it was supposed) to meet again when circumstances should require it.” (Note in the earlier editions of Hayne’s Speech, printed without change.)

¹ See Shakespeare’s *Hamlet*, act v. scene 2.

² Three commissioners, headed by Harrison Gray Otis and bearing the recommendation of the New England (or Hartford) Convention, started for Washington early in February, 1815, but were met by the news of the battle of New Orleans, and quickly returned.

are to have lessons of patriotism read to us, they must come from a different quarter. The Senator from Massachusetts, who is now so sensitive on all subjects connected with the Union, seems to have a memory forgetful of the political events that have passed away. I must therefore refresh his recollection a little further on these subjects. The history of disunion has been written by one whose authority stands too high with the American people to be questioned, — I mean Thomas Jefferson. I know not how the gentleman may receive this authority. When that great and good man occupied the Presidential chair, I believe he commanded no portion of that gentleman's respect.

I hold in my hand a celebrated pamphlet on the Embargo,¹ in which language is held, in relation to Mr. Jefferson, which my respect for his memory will prevent me from reading, unless any gentleman should call for it. But the Senator from Massachusetts has since joined in singing hosannas to his name: he has assisted at his apotheosis, and has fixed him as "a brilliant star in the clear upper sky." I hope, therefore, he is now prepared to receive with deference and respect the high authority of Mr. Jefferson. In the fourth volume of his *Memoirs*,² which have just issued

¹ On December 22, 1807, Congress passed an Embargo Act, which prohibited exportations from this country. The object was to force England to abandon her Orders in Council, and France the Berlin and Milan Decrees, and to stop the seizure of American vessels and the impressment of our seamen. The effect, however, was most disastrous to the commerce of this country, which shrank ominously, especially in New England. The Embargo terminated on March 4, 1809.

² The edition edited by T. J. Randolph (Charlottesville, 1829).

from the press, we have the following history of disunion from the pen of that illustrious statesman: "Mr. Adams called on me pending the Embargo, and while endeavors were making to obtain its repeal; he spoke of the dissatisfaction of the Eastern portion of our confederacy with the restraints of the Embargo then existing, and their restlessness under it; that there was nothing which might not be attempted to rid themselves of it; that he had information of the most unquestionable authority that certain citizens of the Eastern States (I think he named Massachusetts particularly) were in negotiation with agents of the British government, the object of which was an agreement that the New England States should take no further part in the war (the commercial war, the 'war of restrictions,' as it was called) then going on, and that, without formally declaring their separation from the Union, they should withdraw from all aid and obedience to them," etc.

"From that moment," says Mr. Jefferson, "I saw the necessity of abandoning it [the Embargo], and, instead of effecting our purpose by this peaceful measure, we must fight it out or break the Union." In another letter Mr. Jefferson adds: "I doubt whether a single fact known to the world will carry as clear conviction to it of the correctness of our knowledge of the treasonable views of the Federal party of that day as that disclosed by this, the most nefarious and daring attempt to dis sever the Union, of which the Hartford Convention was a subsequent chapter: and, both of these having failed, consolidation becomes the fourth chapter of the next book of their history. But this opens with a vast accession of strength from their younger recruits, who, having nothing in them of the

feelings and principles of '76, now look to a single and splendid government, etc., riding and ruling over the plundered ploughman and beggared yeomanry." (Vol. iv. pp. 419, 422.)

The last chapter, says Mr. Jefferson, of that history is to be found in the conduct of those who are endeavoring to bring about consolidation; ay, sir, that very consolidation for which the gentleman from Massachusetts is contending, — the exercise by the federal government of powers not delegated in relation to "internal improvements" and "the protection of manufactures." And why, sir, does Mr. Jefferson consider consolidation as leading directly to disunion? Because he knew that the exercise by the federal government of the powers contended for would make this "a government without limitation of powers," the submission to which he considered as a greater evil than disunion itself. There is one chapter in this history, however, which Mr. Jefferson has not filled up, and I must therefore supply the deficiency. It is to be found in the protests made by New England against the acquisition of Louisiana. In relation to that subject, the New England doctrine is thus laid down by one of her learned political doctors of that day, now a doctor of laws at the head of the great literary institution of the East; I mean Josiah Quincy, President of Harvard College. I quote from the speech delivered by that gentleman on the floor of Congress, on the occasion of the admission of Louisiana into the Union.

Mr. Quincy repeated and justified a remark he had made, which, to save all misapprehension, he had committed to writing, in the following words: "If this bill passes, it is my deliberate opinion that it is virtually a dissolution of the Union; that it will free the

States from their moral obligation : and as it will be the right of all, so it will be the duty of some, to prepare for a separation, amicably if they can, violently if they must."

Mr. President, I wish it to be distinctly understood that all the remarks I have made on this subject are intended to be exclusively applied to a party which I have described as the "Peace party of New England,"—embracing the political associates of the Senator from Massachusetts,—a party which controlled the operations of that State during the Embargo and the War, and who are justly chargeable with all the measures I have reprobated. Sir, nothing has been further from my thoughts than to impeach the character or conduct of the people of New England. For their steady habits and hardy virtues I trust I entertain a becoming respect. I fully subscribe to the truth of the description given before the Revolution, by one whose praise is the highest eulogy, "that the perseverance of Holland, the activity of France, and the dexterous and firm sagacity of English enterprise have been more than equaled by this recent people."¹ Hardy, enterprising, sagacious, industrious, and moral, the people of New England of the present day are worthy of their ancestors. Still less, Mr. President, has it been my intention to say anything that could be construed into a want of respect for that party who, trampling on all narrow, sectional feeling, have been

¹ "Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise, ever carried this most perilous mode of hardy industry to the extent to which it has been pushed by this recent people." From Burke's *Conciliation with the Colonies*. (See *Riverside Literature Series*, No. 100, p. 19.)

true to their principles in the worst of times ; I mean the democracy of New England.

Sir, I will declare that, highly as I appreciate the democracy of the South, I consider even higher praise to be due to the democracy of New England, who have maintained their principles "through good and through evil report," who, at every period of our national history, have stood up manfully for "their country, their whole country, and nothing but their country." In the great political revolution of '98 they were found united with the democracy of the South, marching under the banner of the Constitution, led on by the patriarch of liberty, in search of the land of political promise, which they lived not only to behold, but to possess and to enjoy. Again, sir, in the darkest and most gloomy period of the war, when our country stood single-handed against "the conqueror of the conquerors of the world," when all about and around them was dark and dreary, disastrous and discouraging, they stood a Spartan band in that narrow pass, where the honor of their country was to be defended, or to find its grave. And in the last great struggle, involving, as we believe, the very existence of the principle of popular sovereignty, where were the democracy of New England? Where they have always been found, sir, struggling side by side with their brethren of the South and the West for popular rights, and assisting in that glorious triumph by which the man of the people was elevated to the highest office in their gift.

Who then, Mr. President, are the true friends of the Union? Those who would confine the federal government strictly within the limits prescribed by the Constitution : who would preserve to the States

and the people all powers not expressly delegated : who would make this a federal and not a national Union, and who, administering the government in a spirit of equal justice, would make it a blessing and not a curse. And who are its enemies ? Those who are in favor of consolidation : who are constantly stealing power from the States, and adding strength to the federal government ; who, assuming an unwarrantable jurisdiction over the States and the people, undertake to regulate the whole industry and capital of the country. But, sir, of all descriptions of men, I consider those as the worst enemies of the Union who sacrifice the equal rights which belong to every member of the Confederacy to combinations of interested majorities for personal or political objects. But the gentleman apprehends no evil from the dependence of the States on the federal government ; he can see no danger of corruption from the influence of money or of patronage. Sir, I know that it is supposed to be a wise saying that “patronage is a source of weakness ;” and in support of that maxim it has been said that “every ten appointments make a hundred enemies.” But I am rather inclined to think, with the eloquent and sagacious orator now reposing on his laurels on the banks of the Roanoke,¹ that “the power of conferring favors creates a crowd of dependents.” He gave a forcible illustration of the truth of the remark when he told us of the effect of holding up the savory morsel to the eager eyes of the hungry hounds gathered around his door. It mattered not whether the gift was bestowed on Towser or Sweetlips, “Tray, Blanch, or Sweet-heart ;”² while held in suspense, they were

¹ John Randolph of Roanoke, born 1773, died 1833.

² See Shakespeare's *King Lear*, act iii. scene 6.

all governed by a nod, and, when the morsel was bestowed, the expectation of the favors of to-morrow kept up the subjection of to-day.

The Senator from Massachusetts, in denouncing what he is pleased to call the Carolina doctrine, has attempted to throw ridicule upon the idea that a State has any constitutional remedy, by the exercise of its sovereign authority, against “a gross, palpable, and deliberate violation of the Constitution.” He called it “an idle” or “a ridiculous notion,” or something to that effect, and added that it would make the Union a “mere rope of sand.” Now, sir, as the gentleman has not condescended to enter into any examination of the question, and has been satisfied with throwing the weight of his authority into the scale, I do not deem it necessary to do more than to throw into the opposite scale the authority on which South Carolina relies; and there, for the present, I am perfectly willing to leave the controversy. The South Carolina doctrine, that is to say, the doctrine contained in an exposition reported by a committee of the Legislature in December, 1828, and published by their authority, is the good old Republican doctrine of '98, — the doctrine of the celebrated “Virginia Resolutions” of that year, and of “Madison’s Report” of '99. It will be recollected that the Legislature of Virginia, in December, '98, took into consideration the Alien and Sedition laws, then considered by all Republicans as a gross violation of the Constitution of the United States, and on that day¹ passed, among others, the following resolutions: —

“The General Assembly . . . doth explicitly and peremptorily declare that it views the powers of the

¹ December 21, 1798.

federal government, as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact; as no farther valid than they are authorized by the grants enumerated in that compact: and that, in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the said compact, the States who are parties thereto have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them.”

In addition to the above resolution, the General Assembly of Virginia “appealed to the other States, in the confidence that they would concur with that Commonwealth that the acts aforesaid [the Alien and Sedition laws¹] are unconstitutional, and that the necessary and proper measures would be taken by each for coöperating with Virginia in maintaining unimpaired the authorities, rights, and liberties reserved to the States respectively, or to the people.”

The Legislatures of several of the New England States having, contrary to the expectation of the Legislature of Virginia, expressed their dissent from these doctrines, the subject came up again for con-

¹ The Alien Law was passed in 1798, and its action was limited to two years; the Sedition Law was passed in the same year, to expire in 1801. Both were extreme measures, and undoubtedly led to a reaction against the Federalists in the next election. They were opposed by Hamilton. Their real if not expressed purpose was to discourage undue political sympathy with France, and to punish scurrilous attacks on the Executive and the government. Among the immediate results of these measures was the passage of the Kentucky and Virginia resolutions of 1798.

sideration during the session of 1799-1800, when it was referred to a select committee, by whom was made that celebrated report which is familiarly known as "Madison's Report," and which deserves to last as long as the Constitution itself. In that report, which was subsequently adopted by the Legislature, the whole subject was deliberately reëxamined, and the objections urged against the Virginia doctrines carefully considered. The result was that the Legislature of Virginia reaffirmed all the principles laid down in the resolutions of 1798, and issued to the world that admirable report which has stamped the character of Mr. Madison as the preserver of that Constitution which he had contributed so largely to create and establish. I will here quote from Mr. Madison's report one or two passages which bear more immediately on the point in controversy. "The resolution, having taken this view of the federal compact, proceeds to infer 'that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States who are parties thereto have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them.'

"It appears to your committee to be a plain principle, founded in common sense, illustrated by common practice, and essential to the nature of compacts, that, where resort can be had to no tribunal superior to the authority of the parties, the parties themselves must be the rightful judges in the last resort whether the bargain made has been pursued or violated. The Constitution of the United States was formed by the sanction of the States, given by each in its sovereign

capacity. It adds to the stability and dignity, as well as to the authority of the Constitution, that it rests upon this legitimate and solid foundation. The States, then, being the parties to the constitutional compact, and in their sovereign capacity, it follows of necessity that there can be no tribunal above their authority to decide, in the last resort, whether the compact made by them be violated, and consequently that, as the parties to it, they must themselves decide in the last resort such questions as may be of sufficient magnitude to require their interposition.

“The resolution has guarded against any misapprehension of its object by expressly requiring for such an interposition ‘the case of a deliberate, palpable, and dangerous breach of the Constitution by the exercise of powers not granted by it.’ It must be a case, not of a light and transient nature, but of a nature dangerous to the great purposes for which the Constitution was established.

“But the resolution has done more than guard against misconstruction, by expressly referring to cases of a deliberate, palpable, and dangerous nature. It specifies the object of the interposition which it contemplates, to be solely that of arresting the progress of the evil of usurpation, and of maintaining the authorities, rights, and liberties appertaining to the States as parties to the Constitution.

“From this view of the resolution it would seem inconceivable that it can incur any just disapprobation from those who, laying aside all momentary impressions, and recollecting the genuine source and object of the federal Constitution, shall candidly and accurately interpret the meaning of the General Assembly. If the deliberate exercise of dangerous

powers, palpably withheld by the Constitution, could not justify the parties to it in interposing even so far as to arrest the progress of the evil, and thereby to preserve the Constitution itself, as well as to provide for the safety of the parties to it, there would be an end to all relief from usurped power, and a direct subversion of the rights specified or recognized under all the State constitutions, as well as a plain denial of the fundamental principles on which our independence itself was declared."

But, sir, our authorities do not stop here. The State of Kentucky responded to Virginia, and on the 10th of November, 1798, adopted those celebrated resolutions well known to have been penned by the author of the Declaration of American Independence. In those resolutions the Legislature of Kentucky declare "That the government created by this compact was not made the exclusive or final *judge* of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress."

At the ensuing session of the Legislature the subject was reëxamined, and on the 14th of November, 1799, the resolutions of the preceding year were deliberately reaffirmed, and it was among other things solemnly declared:—

"That, if those who administer the general government be permitted to transgress the limits fixed by that compact, by a total disregard to the special delegations of power therein contained, an annihilation of the State governments, and the erection upon their ruins

of a general consolidated government, will be the inevitable consequence. That the principle and construction contended for by sundry of the State Legislatures, that the general government is the exclusive judge of the extent of the powers delegated to it, stop not short of despotism, since the discretion of those who administer the government, and not the Constitution, would be the measure of their powers. That the several States who formed that instrument, being sovereign and independent, have the unquestionable right to judge of the infraction, and that a nullification by those sovereignties of all unauthorized acts done under color of that instrument is the rightful remedy."

Time and experience confirmed Mr. Jefferson's opinion on this all-important point. In the year 1821 he expressed himself in this emphatic manner: "It is a fatal heresy to suppose that either our State governments are superior to the federal, or the federal to the State; neither is authorized literally to decide which belongs to itself or its copartner in government; in differences of opinion between their different sets of public servants, the appeal is to neither, but to their employers peaceably assembled by their representatives in convention." The opinion of Mr. Jefferson on this subject has been so repeatedly and so solemnly expressed that it may be said to have been among the most fixed and settled convictions of his mind.

In the protest prepared by him for the Legislature of Virginia in December, 1825, in respect to the powers exercised by the federal government in relation to the tariff and internal improvements, which he declares to be "usurpations of the powers retained by the States, mere interpolations into the compact, and

direct infractions of it," he solemnly reasserts all the principles of the Virginia Resolutions of '98: protests against "these acts of the federal branch of the government as null and void: and declares that, although Virginia would consider a dissolution of the Union as among the greatest calamities that could befall them, yet it is not the greatest. There is one yet greater,—submission to a government of unlimited powers. It is only when the hope of this shall become absolutely desperate that further forbearance could not be indulged."

In his letter to Mr. Giles, written about the same time, he says:—

"I see as you do, and with the deepest affliction, the rapid strides with which the federal branch of our government is advancing towards the usurpation of all the rights reserved to the States, and the consolidation in itself of all powers, foreign and domestic, and that, too, by constructions which leave no limits to their powers, etc. Under the power to regulate commerce, they assume indefinitely that also over agriculture and manufactures, etc. Under the authority to establish post roads they claim that of cutting down mountains for the construction of roads, and digging canals, etc. And what is our resource for the preservation of the Constitution? Reason and argument? You might as well reason and argue with the marble columns encircling them, etc. Are we, then, to stand to our arms with the hot-headed Georgian?¹ No (and I say no, and South Carolina has said no): that must be the last resource. We must have patience and long endurance with our brethren, etc., and separate from our companions only when the sole alternatives

¹ Probably William H. Crawford is indicated.

left are a dissolution of our union with them, or submission to a government without limitation of powers. Between these two evils, when we must make a choice, there can be no hesitation."

Such, sir, are the high and imposing authorities in support of "the Carolina doctrine," which is, in fact, the doctrine of the Virginia Resolutions of 1798.

Sir, at that day the whole country was divided on this very question. It formed the line of demarcation between the Federal and Republican parties; and the great political revolution which then took place turned upon the very question involved in these resolutions. That question was decided by the people, and by that decision the Constitution was, in the emphatic language of Mr. Jefferson, "saved at its last gasp." I should suppose, sir, it would require more self-respect than any gentleman here would be willing to assume, to treat lightly doctrines derived from such high sources. Resting on authority like this, I will ask gentlemen, whether South Carolina has not manifested a high regard for the Union when, under a tyranny ten times more grievous than the Alien and Sedition laws, she has hitherto gone no further than to petition, remonstrate, and to solemnly protest against a series of measures which she believes to be wholly unconstitutional and utterly destructive of her interests. Sir, South Carolina has not gone one step farther than Mr. Jefferson himself was disposed to go in relation to the present subject of our present complaints; not a step farther than the statesmen from New England were disposed to go under similar circumstances; no farther than the Senator from Massachusetts himself once considered as within "the limits of a constitutional opposition." The doctrine

that it is the right of a State to judge of the violations of the Constitution on the part of the federal government, and to protect her citizens from the operations of unconstitutional laws, was held by the enlightened citizens of Boston who assembled in Faneuil Hall on the 25th of January, 1809. They state in that celebrated memorial that "they looked only to the State Legislatures, who were competent to devise relief against the unconstitutional acts of the general government. That your power (say they) is adequate to that object is evident from the organization of the confederacy."

A distinguished Senator from one of the New England States (Mr. Hillhouse¹), in a speech delivered here on a bill for enforcing the Embargo, declared: "I feel myself bound in conscience to declare (lest the blood of those who shall fall in the execution of this measure shall be on my head) that I consider this to be an act which directs a mortal blow at the liberties of my country, — an act containing unconstitutional provisions, to which the people are not bound to submit, and to which, in my opinion, they will not submit."

And the Senator from Massachusetts himself, in a speech delivered on the same subject in the other House, said: "This opposition is constitutional and legal; it is also conscientious. It rests on settled and sober conviction that such policy is destructive to the interests of the people and dangerous to the being of government. The experience of every day confirms

¹ James Hillhouse served in the American cause during the Revolution. He was a United States Senator from Connecticut from 1796 to 1810, and treasurer of Yale College from 1782 till his death in 1832.

these sentiments. Men who act from such motives are not to be discouraged by trifling obstacles, nor awed by any dangers. They know the limit of constitutional opposition; up to that limit, at their own discretion, they will walk, and walk fearlessly." How "the being of government" was to be endangered by "constitutional opposition" to the Embargo, I leave to the gentleman to explain.

Thus it will be seen, Mr. President, that the South Carolina doctrine is the republican doctrine of '98; that it was promulgated by the fathers of the faith; that it was maintained by Virginia and Kentucky in the worst of times; that it constituted the very pivot on which the political revolution of that day turned; that it embraces the very principles the triumph of which, at that time, saved the Constitution at its last gasp, and which New England statesmen were not unwilling to adopt when they believed themselves to be the victims of unconstitutional legislation. Sir, as to the doctrine that the federal government is the exclusive judge of the extent as well as the limitations of its powers, it seems to me to be utterly subversive of the sovereignty and independence of the States. It makes but little difference, in my estimation, whether Congress or the Supreme Court are invested with this power. If the federal government, in all or any of its departments, is to prescribe the limits of its own authority, and the States are bound to submit to the decision, and are not to be allowed to examine and decide for themselves when the barriers of the Constitution shall be overleaped, this is practically "a government without limitation of powers." The States are at once reduced to mere petty corpora-

tions, and the people are entirely at your mercy. I have but one word more to add. In all the efforts that have been made by South Carolina to resist the unconstitutional laws which Congress has extended over them, she has kept steadily in view the preservation of the Union by the only means by which she believes it can be long preserved, — a firm, manly, and steady resistance against usurpation. The measures of the federal government have, it is true, prostrated her interests, and will soon involve the whole South in irretrievable ruin. But even this evil, great as it is, is not the chief ground of our complaints. It is the principle involved in the contest, a principle which, substituting the discretion of Congress for the limitations of the Constitution, brings the States and the people to the feet of the federal government, and leaves them nothing they can call their own. Sir, if the measures of the federal government were less oppressive, we should still strive against this usurpation. The South is acting on a principle she has always held sacred, — resistance to unauthorized taxation. These, sir, are the principles which induced the immortal Hampden to resist the payment of a tax of twenty shillings. “Would twenty shillings have ruined his fortune? No! but the payment of half twenty shillings, on the principle on which it was demanded, would have made him a slave.”¹ Sir, if, acting on these high motives, — if, animated by that ardent love of liberty which has always been the most prominent trait in the Southern character, — we should be hurried beyond the bounds of a cold and calculating prudence, who is there, with one noble and generous sentiment in his

¹ Burke's speech on American taxation, April 19, 1774.

bosom, that would not be disposed, in the language of Burke, to exclaim, "You must pardon something to the spirit of liberty"?¹

¹ "I pardon something to the spirit of liberty." From Burke's Conciliation with the Colonies. (See *Riverside Literature Series*, No. 100, p. 19.)

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